

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.221/98

Tuesday this the 29th day of August, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. V.K. MAJOTRA, ADMINISTRATIVE MEMBER

S.Cicily, W/o P.D.John,
Chief Commercial Clerk,
Grade III, Southern Railway,
Quilon, residing at
Railway Quarters No.197-B
Near Railway hospital,
Quilon.

...Applicant

(By Advocate Mr. T.C.Govindaswamy (rep.)

V.

1. Union of India, represented by the
General Manager,
Southern Railway,
Headquarters Office,
Park Town PO ,
Chennai.3.
2. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum.14.
3. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum.14.
4. P.P.Abdul Rehman,
Chief Commercial Clerk,
Southern Railway,
Wadakkancherry, Trichur.
5. P.Sasidharan Pillai,
Chief Commercial Clerk,
Southern Railway,
Chengannoor.
6. M.Sivalingam,
Chief Commercial Clerk,
Southern Railway,
Trivandrum Central.
7. K.Carmel Rajkumar,
Chief Commercial Clerk,
Southern Railway,
Kanyakumari.
8. T.Subbiah,
Chief Commercial Clerk,
Southern Railway,
Nagercoil.
9. M.Sudalai,
Chief Commrcial Clerk
Southern Railway, Quilon.

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10. Ancy Mol,
Chief Commercial Clerk,
Southern Railway,
Quilon.
11. Thankappan Pillai,
Chief Commercial Clerk Gr.III
Southern Railway, Nagercoil.
12. P.A.Surendranath, Chief Commercial Clerk,
Southern Railway,
Ernakulam Goods, Ernakulam.
13. K.P.George,
Chief Goods Clerk,
Southern Railway, Angamaly Railway
Station, Angamaly.
14. M.C.Chacko,
Chief Commercial Clerk,
Southern Railway, Mavelikkara.
15. C.Prasanthkumar,
Chief Commercial Clerk,
Southern Railway,
Kayamkulam Junction. ...Respondents

(By Advocate Mrs.Sumati Dandapani (rep) (for R.1to3)

The application having been heard on 29.8.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Chief Commercial Clerk Gr.III, Southern Railway, Quilon participated in the selection process for appointment to the post of Chief Commercial Clerk Gr.II in the scale Rs.1600-2660 (Rs.5000-9000 revised) initiated by notification dated 14.8.97 (Annexure.A1). Unfortunately for her, her name was not included in the panel Annexure.A2 while the names of respondents 4 to 15 who are junior to her are included. Aggrieved the applicant has filed this application seeking to have the impugned panel Annexure.A2 set aside. It is alleged in the application that the selection/ ^{committee} was not duly constituted by the D.R.M., that the constitution of the committee was bad

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because it consisted of two officers of the Senior Scale while according to the relevant instructions, the committee should comprise of officers of Junior Administrative Grade alone and that the procedure for promotion has been wrong because after implementation of the Vth Central Pay Commission Report the pay scale attached to the post is corresponding to the scale of Rs.1640-2900 and there had not been any orders issued by the Railway Board stating whether the post is a selection post or a non-selection post. With these allegations the applicant seeks to have the impugned orders set aside.

2. The respondents contend that the Selection Committee was duly constituted by the D.R.M, that the post continues to be a selection post, that the constitution of the committee was perfectly in order in tune with the Railway Board instructions contained in Annexure.R.1 dated 31.7.91 which permits a senior scale officer in the independent charge of the concerned department no staff subordinate to any other member of the Selection Committee is competent to be included as a member of the Selection Board.

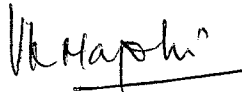
3. On a careful scrutiny of the entire pleadings and materials placed on record, we do not find any legitimate grievance for the applicant which needs redressal. The applicant having participated in the selection process and not being successful cannot challenge the process of selection. Though the respondents have in the reply statement specifically contended that the selection

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board was constituted by the DRM the competent authority, the applicant has not filed a rejoinder refuting this averment. Further the inclusion of two members in the Board who are only Senior Scale officers is justified in terms of the instructions contained in the Railway Board letter Annexure.R.1. Since the selection process was initiated before the implementation of the recommendations of the Vth Central Pay Commission and even after the implementation of the report of the Vth Central Pay Commission the post continued to be a selection post as contended by the respondents, the contention of the applicant that the method of filling up the vacancy has been wrongly followed has no merit.

4. In the light of what is stated above, the application which is devoid of merit is dismissed leaving the parties to bear their costs.

Dated the 29th day of August, 2000



V.K. MAJOTRA
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of annexures referred to:

Annexure.A1:A true copy of the notification No.V/P.608/III/CCC.II/Vol.3 dated 14.8.97 issued by the third respondent.

Annexure.A2:A true copy of the Memorandum No.V/P.608/CCC.II/Vol.3 dated 5.1.98 issued by the third respondent.

Annexure.R.1:True copy of letter No.E(NG)I/90/PM/41 dated 31.7.91 issued by Director Establishment (N) Railway Board, New Delhi.

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