

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.30/1999.

Wednesday this the 3rd day of October 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

A.Christy Jayanthi, D/o Arputhasamy,
Ad hoc Office Superintendent Grade-II,
Office of the Senior Divisional Personnel Officer,
Southern Railway, Palghat. Applicant

(By Advocate S/Shri TC Govindaswamy, KM Anthru & Martin G Thottan)

Vs.

1. Union of India represented by
the General Manager, Southern Railway,
Headquarters Office, Park Town P.O.,
Madras -3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park town P.O., Madras-3.
3. The Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat.
4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
5. Smt.P.P.Rosalin, Head Clerk,
Personnel Branch, Southern Railway,
Palakkad. Respondents

(By Advocate Smt.Sumathi Dandapani (R.1-4)

(By Advocate Shri Santhosh & Rajan (For R.5)

The application having been heard on 3rd October 2001
the Tribunal on the same day delivered the following:

ORDER

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

The applicant who is working as adhoc Office
Superintendent Grade-II in the office of the Senior Divisional
Personnel Officer, Southern Railway, Palakkad has filed this
application seeking to set aside the list published on
4.1.99(A-4) of persons who have qualified in the written

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examination and called for appearance in *viva voce* to be held on 13.1.99 as also the panel dated 29.1.99 (A-5) prepared after the *viva voce* for promotion to the post of Office Superintendent Grade-II to the extent of inclusion of the name of the 5th respondent and the exclusion of the name of the applicant. Although the applicant has filed this application challenging A-4 and A-5 on various grounds, the learned counsel for the applicant stated that he would confine to one point that in view of the Railway Board's Circular dated 13.7.70(A-6) the applicant should have been called for appearance in the *viva voce* because to the best of the applicant's information, he had obtained 52% marks in the written examination. Since the 5th respondent is junior to the applicant, the inclusion of 5th respondent's name both in the A-4 and A-5 without considering the applicant's case as per rules and instructions, is illegal and unjustified, argued the applicant.

2. The official respondents in their reply statement have contended that, the applicant's name was not included in A-4 as she did not qualify in the written examination and they contend that A-4 as also A-5 were prepared *bonafide* on the basis of the written examination and *viva voce*. The 5th respondent has filed a separate reply statement in which she has contended that she has come out successful in the written examination and *viva voce* and has been placed in the panel against the post reserved for SC/ST on relaxed standard and there is absolutely no merit in challenging her inclusion in A-5.

3. On a careful scrutiny of the pleadings and material placed on record, we find that there is no reason for

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interference with the panels A-4 and A-5. The applicant has filed this application only on her best information that she has got 18.2 marks out of 35, but not based on any concrete proof. The source of the applicant's information also has not been disclosed. No allegation of malafides has been made in this application about the Selection Committee nor is there any statement that the selection process is viatiated for any reason.

4. Apart from an information the source of which is not disclosed, there is nothing on the basis of which it can even be doubted that the selecting authority has made the selection against the rules and instructions. The claim of the applicant having been not based on any record but only on a rumour, we are of the considered view that it has to be rejected.

5. In the light of what is stated above, the application is dismissed. No costs.

Dated the 3rd October 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

APPLICANT'S ANNEXURE

1. Annexure A.1 : True copy of letter No.J/P.608/VI/Misc/Vol.IV dated, 20-8-98 issued by the fourth respondent.
2. Annexure A.2 : True copy of the letter No.J/P 608/VI/Misc/Vol.IV dated, 21.9.98 issued by the fourth respondent.
3. Annexure A.3 : True copy of the representation dated, 12-10-98 submitted by the applicant to the third respondent.
4. Annexure A.4 : True copy of the letter No.J/P.608/VI/Misc/Vol.IV dated 4-1-99 issued by the fourth respondent.
5. Annexure A.5 : True copy of Memorandum No.J/P 608/VI/Misc/Vol.IV dated, 29-1-99 issued by the 4th respondent.
6. Annexure A.6 : True copy of Railway Board letter No.E(SCT) 68 CM 15/10 dated, 13.7.1970.

RESPONDENT'S ANNEXURE

1. Annexure R-1: True copy of letter No.E(NG)I-83-PMI-65 P.N.M./N.F.I.R. dt. 17.4.84 from Joint Director(Estt.) Railway Board, New Delhi addressed to General Manager, All Indian Railways, etc.
2. Annexure R-2: Copy of the request submitted by the applicant dated 6.4.2001.
3. Annexure R5(a): Copy of Railway Board's letter No.E(NG)I-94/PM1/16 dated 16.11.1994.

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