

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.

O.A. No. 322 of 1996

Date of decision :

31/5/2004.

1. J.P. Sinha, S/o late Bisheswar Prasad Singh
2. N.K. Chaudhary, S/o Shri Motilal Chaudhary
3. Udit Narayan Singh, S/o late Chhathrolal Singh
4. Suresh Kumar Srivastava, S/o late Mohanlal Srivastava
5. S.M. Akhtar, S/o late Md. Umar
6. A.P. Singh, S/o late R.P. Singh.

All the applicants are working as CTTI, N.E.  
Railway, Barauni.

.... Applicants.

By Advocate : Shri M.P. Dixit.

Vs.

1. Union of India through the General Manager, N.E.  
Railway, Gorakhpur.
2. The Divisional Railway Manager, N.E. Rly. Sonepur.
3. The Divisional Railway Manager (P), N.E. Railway,  
~~Sonepur~~.
4. The DRM, (Commercial), N.E. Railway, Sonepur.
5. Shri T.N. Singh, DTTI, N.E. Railway, Muzaffarpur.
6. Shri Narayan Singh, DTTI, N.E. Railway, Barauni.
7. Shri Shailendra Kumar, DTTI, N.E. Railway,  
Muzaffarpur.
8. Shri Dashrath Mahali, DTTI, N.E. Railway, Barauni.
9. Shri K.M. Srivastava, DTTI, N.E. Railway, Barauni.
10. Shri K.K. Agarwal, DTTI, N.E. Railway, Barauni.

All the private respondents i.e. Sr.No. 5 to 10  
are working under Divisional Railway Manager  
(Commercial), N.E. Railway, Sonepur.

... Respondents.

By Advocates : Shri P.K. Verma for official  
respondents

Shri R.C. Sinha for pvt.respondents

C O R A M

Hon'ble Smt. Shyama Debra, Member (J)

Hon'ble Shri Mantreshwar Jha, Member (A)

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ORDER

By Mantreshwar Jha, M(A):- The applicants had filed this Original Application before this court for various reliefs as enumerated in para 8 of the OA. The Division Bench of this Court had heard both the parties at length and passed order dated 1.2.2001 whereby this OA had been rejected. Thereafter, the applicant preferred CWOC No. 5835 of 2001 before the Hon'ble Patna High Court. The Hon'ble High Court vide its order dated 26.8.2002 quashed the order of this Tribunal dated 1.2.2001 with observations that the relevant records summoned by the Tribunal earlier , which has since been located , as per submissions made by the learned counsel for the respondents, should be re-examined by the Tribunal and then pass appropriate order in the matter.

2. We have heard the learned counsel for the parties and carefully examined the relevant records furnished by the respondents with regard to promotion of applicants vis-a-vis private respondents. These records were scrutinised in the court , and the details thereof were conveyed to the learned counsel for the applicants.

3. It will be worthwhile to recapitulate the subject matter of dispute at this stage. The matter relates to promotion to the grade of Chief Tickets

Travelling Inspectors ( CTTI in short), for which 55 candidates including the applicants and respondents No. 5 to 10<sup>th</sup> were called to appear in the written test scheduled to be held in between 30.3.1996 to 15.4.1996. Out of 55 candidates , only 20 candidates as at Annexure A-1 were declared successful in the written test for being called to participate in the oral test. It is stated that the result of the written test was published on 20.6.1996 and only after two working days, oral test was held with malafide intention to favour the private respondents who were juniors. It has also been submitted by the applicants that there were 20 vacancies and only 20 candidates were declared successful in the written test which clearly indicated that these 20 candidates were hand-picked for promotion. The learned counsel for the applicant has, therefore, prayed for scrutiny of the answer books and other relevant records of the applicants by the court for examining the claims of the applicants for promotion.

4. The applicants have also contended that the selection procedures is vitiated as three times of the number of vacancies advertised have not been considered in the selection process for promotion.

5. The learned counsel for the respondents has submitted that since there were 20 vacant posts

available for premotion, out of which two posts were reserved for S.T. category, and the rest were for general category, and there was only one eligible candidate from S.T. category. 55 candidates were called, 54 from general category and one from S.T. category. The learned counsel for the respondents also referred to paras 215, 216, 217, 218 and 219 of the Indian Railway Establishment Manual Vol. I to emphasise the point that only the candidates securing 60 % marks in the written tests are eligible to be called for oral test.

6. The main question to be determined as per direction of the Hon'ble High Court is whether the records of the written test reveals any irregularities on the part of the respondents in respect of the claims of the applicants. Para 219 of the IREM provides for selection procedures to be adopted for premotion. Para (g) provides as follows; " Selection should be made primarily on the basis of overall merit, but for the guidance of selection board, factors to be taken into account and the relative weight are laid down below:-

|       |   |    |
|-------|---|----|
| (i)   | Profession ability  | 50 |
| (ii)  | Personality, address, leadership and academic qualification | 20 |
| (iii) | A record of service   | 15 |
| (iv)  | Seniority   | 15 |

The item 'record of Service' should also take into consideration the performances of the employee in essential Training Schools/Institutes apart from

the examining CRs and other relevant records. The guidelines further provide that the candidates must obtain a minimum of 30 marks in professional ability and 60 % marks of the aggregate for being placed on the panel. It is also provided that if both written and oral tests are held for adjudging the professional ability, the written test should not be of less than 35 marks and the candidates must secure 60 % marks in written test for the purpose of being called in viva-voce test. This procedure is also applicable for filling up of general posts provided that 60 % of the total of the marks prescribed for written examination and for seniority will also be the basis for calling candidates for viva-voce test instead of 60 % of the marks for the written examination.

7. The records of the selection test have been examined by us in the court in the presence of the learned counsel appearing for the applicant. The applicant No. 1, Shri J.P. Sinha has secured only 11.5 marks in the written examination and 14.2 in seniority. He has, thus, secured only 25.7 marks, and therefore, he has not qualified in the written test. The applicant no. 2, Shri N.K. Chaudhary has also secured 12 marks in the written test and 13.4 in seniority and has not qualified. The 3rd applicant, Shri Udit Narayan Singh has also secured only total of 29.2 in the written test and has, therefore,

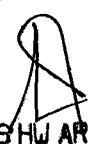
*Similarly*  
failed. The other applicants have also ~~summarily~~ failed in the written test as they have secured less than 30 marks in the written test, although in order to qualify, they were required to secure at least 35 marks i.e. 60 per cent out of 60 marks. All the candidates have been given due weightage in seniority in <sup>even</sup> ~~violation~~ and their seniority has not been ignored at all.

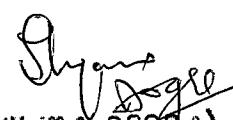
8. We have examined the averments and claims made by both the parties at length and after careful scrutiny of the record of the selection test, we do not find that there has been any deliberate injustice meted out to the applicants by the respondents in the entire selection process. The respondents were required to conduct the selection test as per relevant provisions as contained in IREM, which has been referred to by this court in its judgement earlier and also referred to above. The ~~ix~~ important thing to be determined in this case was with reference to the relevant record of the selection process. On careful scrutiny of the marks obtained by the applicants vis-avis private respondents who have been selected for promotion reveals no trace of irregularities in the process.

9. We are, therefore, satisfied that the respondents have conducted the selection process as per provisions laid down in the IREM, and we find that

there has been no irregularity in the process. We are, therefore, not inclined to interfere with the selection process, as the apprehension expressed by the applicants has not been substantiated with reference to the records of the selection process. That being the position, the instant OA, being devoid of merit, stands dismissed with no order as to costs.

/CBS/

  
(MANTRESHWAR JHA) M(A)

  
(SHYAMA DOGRA) M(J) 31/5/2004