

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI  
NEW BOMBAY BENCH

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T.A. No. 470/87

DATE OF DECISION 5.10.1988Shri V.L.Narasimham

Petitioner

Shri Mohan Sudame

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondents

Shri V.G.Rege

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. B.C.Gadgil, Vice Chairman

The Hon'ble Mr. P.S.Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? ]
3. Whether their Lordships wish to see the fair copy of the Judgement? ] No
4. Whether it needs to be circulated to other Benches of the Tribunal? ]



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

Tr.A.NO. 470/87

Shri Vuppala Lakshmi Narasimham,  
Inspector of Works,  
Central Railway,  
R/at Bhusawal,  
Dist. Jalgaon.

Applicant

V/s.

Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.

AND OTHERS.

Respondents

CORAM : Hon'ble Vice Chairman Shri B.C.Gadgil  
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances :

Mr.M. Sudame  
Advocate  
for the Applicant

Mr.V.G.Rege  
Advocate  
for the Respondents

JUDGMENT

Dated: 5,10.1988

(PER: P.S.Chaudhuri, Member (A))

This Writ Petition No. 243/83 was received on transfer from the Bombay High Court, where it had been filed on 29.1.1983, and taken on this Tribunal's file as Tr. 470/87 under Section 29 of the Administrative Tribunal Act, 1985. In it the applicant, Shri Vuppala Lakshmi Narasimham, prays for a Writ of Mandamus directing the respondents to cancel etc. the results dated 12.1.1983 of the Departmental Selections and to cancel etc. the posting orders issued on 17.1.1983 and to grant other incidental reliefs.

2. The facts in brief are that the Central Railway Authorities issued a letter dated 3.6.1982 advising the concerned employees that it was proposed to hold selection of Class III staff for promotion to Class II service (AEN) in the Civil Engineering Department. The applicant who was an Inspector of Works on the Central Railway at Bhusawal was one of the employees eligible to appear in this selection (Sr.No. 69 out of 127 listed). Written tests were held in pursuance of this letter. The results thereof were declared on 28.12.1982 and the applicant was declared to have qualified in the same (Sr.No. 36 out of 80 listed). A Viva-Voce was thereafter held on 10 & 11.1.1983. The panel of 38 names was declared on 12.1.1983 and applicant did not find a place in the said panel. It is this panel that the applicant is challenging.

3. We heard Mr. Mohan Sudame, the learned Counsel for the applicant. He indicated that in view of the Ministry of Railways (Railway Board)'s notification dated 24.8.1982, he did not wish to press the point regarding the composition of the Selection Board that had been raised in paragraph 10 of the petition.

4. The first point raised by Mr. Sudame was that the service record of the applicant which had been sent for the perusal of the Selection Committee has been sent late and had been tampered with. This was denied by Mr. V.G.Rege, the learned Counsel for the respondents, and we agree with him because we see no evidence to it contrary.

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5. Thereafter, the second point that was raised by Mr. Sudame was the haste with which the panel was approved by the competent authority. Mr. Rege contended that the period of two weeks that has been laid down is only a guideline and that the panel had been approved only after complete consideration. There is nothing in the record to show anything to the contrary and hence we are unable to agree with the applicant.

6. The third point that was raised by Mr. Sudame was that the applicant's personality and leadership were good and that he should therefore not have failed in the viva-voce test on this account. The respondents have indicated that this was considered but the applicant failed to obtain the requisite marks. The record does not show anything to the contrary and hence we are unable to disagree with the respondents merely because of the applicant's assertion.

7. The fourth point that was raised by Mr. Sudame was that the applicant's record of service was good but there was a bias against him. He invited attention to Para 18 of the petition and Ex. 'F' attached thereto. Mr. Rege readily agreed that notings about filing of cases ought not to have been made and sincerely regretted this mistake. He, however, contended that only punishments awarded and commendations given were considered when assessing the record of service and hence the above mentioned notings were not considered. We see no reason to disagree with the position brought out by Mr. Rege.

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8. The fifth point raised by Mr. Sudame was that the record of service of the applicant for the entire period of the last 5 years had not been taken into account. Mr. Rege contended that the record of service of the applicant for four out of the last five years was available and had been considered by the Selection Committee. He argued that even had the 5th year's record been available, it would not have materially affected the position as the applicant has only secured 6 marks out of 25 for his record of service. We are, therefore, unable to see any force in the applicant's contention.

9. The final point raised by Mr. Sudame was the revised seniority that had accrued to the applicant on the basis of this Tribunal's judgment and order dated 5.10.1987 in Suit No. 2489 of 1980 which was transferred to this Tribunal and taken on our file as Transferred Application No. 326/86. It is our view that this does not have any bearing on the present case because of the applicant's failure to qualify in the selection as dealt with above.

10. Based on this discussion, we do not see any merit in the petition. We hereby dismiss the same. There will be no orders as to costs.

  
(B.C. GADGIL)  
Vice Chairman

  
(P.S. CHAUDHURI)  
Member (A)