

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.878/88

1. J.R.Sharma,
Chargeman "B" Grade,
Office of the Principal
Foreman,
WDM2 Shop,
Central Railway Workshop,
Parel,
Bombay - 400 012.
2. D.M.Viverkar,
Chargeman Gr."B",
Office of the Principal
Foreman,
WDM2 Shop,
Central Railway Workshop,
Parel,
Bombay - 400 012.
3. Pannalal P.Singh,
Chargeman Gr."B",
Office of the Principal
Foreman,
WDM2 Shop,
Central Railway Workshop,
Parel,
Bombay - 400 012.

..Applicants

vs.

1. Chief Workshop Manager,
Central Railway Workshop,
Dr.Ambedkar Road,
Bombay - 400 012.
2. The Chief Vigilance Officer,
Central Railway,
Vigilance Branch,
Central Railway G.M's
Office Building, IIInd Floor,
D.N.Road,
Bombay - 400 001.

Respondents

Coram: Hon'ble Member (J) Shri M.B.Mujumdar.
Hon'ble Member (A) Shri P.S.Chaudhuri.

Appearances:

1. Shri E.K.Thomas,
Advocate for the
Applicants.
2. Shri R.S.Gadiyar,
Advocate (for
Shri V.G.Rege)
Advocate for the
Respondents.

ORAL JUDGMENT:

Date: 6.2.1989

(per M.B.Mujumdar, Member (J))

Heard Mr.E.K.Thomas, learned advocate for the
applicants and Mr.R.S.Gadiyar (for Mr.V.G.Rege), learned

advocate for the respondents.

2. The applicants are working as Chargeman Gr."B" on adhoc basis since 1.11.1982, 1.12.1982 and 1.4.1983, respectively. On 20.9.1986 an order was issued for convening a Selection Board to select suitable candidates for promotion to the post of Chargeman Gr.B in the trades of Diesel Mechanic and Diesel Transmission Fitter. In this case we are concerned with the latter. It was mentioned in the order that there were in all 10 vacancies in the Diesel Mechanic trade; two of them were reserved for Scheduled Caste candidates and one for a Scheduled Tribe candidate. Along with the order, a list of 31 employees who were to be considered for the post of Chargeman, Gr.B in the Diesel Mechanic trade was published as Annexure "A". Written test was held on 16.10.1986. Out of the 30 candidates 29 appeared for the test on 16.10.1986 and for the one candidate who did not appear on that date a supplementary test was held on 19.12.1986. The applicants appeared for the test which was held on 16.10.1986. As the applicants did not pass in the written test they were not called for viva-voce. A final panel of selected candidates was published on 19.5.1987. According to that panel 10 persons were selected. Out of them two were of Scheduled Castes and one was of a Scheduled Tribe. The Scheduled Tribe candidate was selected on provisional basis subject to confirmation of his caste from the District Magistrate, Nagpur.

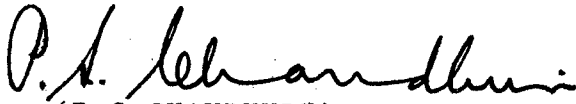
3. Mr. Thomas, learned advocate for the applicants, challenged the non-selection of the applicants on two grounds. His first ground was that as 23 persons were working on adhoc basis as Chargeman, Gr.B the authorities should have held that there were atleast 23 vacancies. But after hearing Mr. Gadiyar, the learned advocate for the respondents, we find that though 23 persons were working on adhoc basis as Chargeman, Gr.B, according to rules 50% vacancies were to be filled by direct recruitment, 25% by intermediate apprentices and only 25% by normal promotion of departmental candidates. Hence according to Mr. Gadiyar only six vacancies were available but, after taking all the relevant factors into consideration, they had assessed the vacancies as 10. The applicants cannot grumble about increasing the number to 10. Hence we find no force in the first submission of the learned advocate for the applicants.

4. The second grievance of the learned advocate for the applicants was that in the list annexed to the order dtd. 20.9.1986 in all 31 candidates were called. As already pointed out only 10 vacancies were assessed. But we are told that 31 persons were called because one Mr. Francis D'Souza (at Sr.No.15 in the list) was not available because he had gone abroad on deputation.

5. Lastly we may point out that we have seen the mark-sheet which was brought by the respondents. The written test was of 35 marks and for passing, one was required

to obtain, atleast 21 marks. We find from the marklist that the applicants had received much less than the prescribed minimum of 21.

6. We, therefore, find that the grievance of the applicants is devoid of merits. Hence we reject the application summarily under Section 19(3) of the Administrative Tribunals Act, 1985 with no order as to costs.


(P. S. CHAUDHURI)
Member (A)


(H. B. MUJUMDAR)
Member (J)