

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 865 /199 6

Date of Decision: 1.10.96

Chiranjeevi Meena & Anr. Petitioner/s

Shri G. K. Masand Advocate for the  
Petitioner/s

V/s.

Union of India & 2 Ors. Respondent/s

Shri V. S. Masurkar Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri B. S. Hegde, Member (J).

Hon'ble Shri M. R. Kolhatkar, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?

abb.

*Hegde*  
(B. S. HEGDE)  
MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, PRESCOT RD., 4TH FLR.

MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 865/96.

DATED THE 14 DAY OF OCTOBER, 96.

CORAM : Hon'ble Shri B.S.Hegde, Member (J)

Hon'ble Shri M.R.Kolhatkar, Member (A).

1. ChirANJI Lal Meena,  
Vallabh Tower,  
Room No.506, Opp. Purnima Talkies,  
Murbad Road, Kalyan(W).

2. Joseph Ekka,  
Quarter No.MS/RB/II/303/29,  
Central Railway Hospital  
Byculla, Mumbai.

... Applicants.

By Advocate Shri G.K.Masand.

v/s.

1. Union of India through the  
General Manager, Central Railway,  
Mumbai.

2. Chief Commercial Manager,  
Central Railway, Mumbai,

3. Chief Personnel Officer,  
Central Railway, Mumbai,  
By Advocate Shri V.S.Masurkar,  
Addl. Central Government Standing Counsel.

... Respondents.

I O R D E R

¶ Per Shri B.S.Hegde, Member (J) ¶

In this OA, the applicants pray for call of records and proceedings leading to the issue of the impugned order dated 18/7/96 wherein the selection to the post of which Assistant Commercial Manager have been made by/the respondents have notified the results of the Written Test held on 8/6/96 and 9/6/96 to the post of Assistant Commercial Manager and after going through the legality of otherwise thereof to quash and set aside the said result. Counsel for Applicant seek for direction to revalue or review or to permit the applicants to appear for the Viva-Voce for appointment to the

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post of Assistant Commercial Manager.

2. Respondents have filed their reply opposing admission of the OA on the following grounds:-

(i) The applicant No.1 is a Divisional Commercial Inspector whereas the applicant No.2 is a Chief Reservation Supervisor and therefore the joint application is not maintainable.

(ii) The selection to the said post was to be filled through Limited Departmental Competitive Examination for forming a panel for Class II post of Assistant Commercial Manager, against 30% quota of the assessed vacancies in terms of Boards Letter dated 3/11/92 and it is submitted that the said selection was consisting of written examination followed by viva-voce test. The respondents state that out of the 286 candidates appeared in the written test, 17 candidates including 2 SC candidates were called for viva-voce test held on 3/4 Sept, 96 as per Board's letter dated 20/8/91. In addition 33 SC and 12 ST candidates were also considered and called for viva-voce test held on 3/4 Sept, 96 as per Board's letter dated 13/11/92. In the written test 62 candidates were declared eligible to appear for viva-voce test- 17 candidates were eligible on the basis of general standard and 45 with relaxed standards.

(iii) Applicants who belong to ST community appeared for the written test but they failed in the written test, their names do not figure in Exhibit-A which is a list of candidates who have passed the written

test. He further submits that there is no procedure for revaluation., besides, if the OA in the above matter is allowed, the remaining 222 persons out of 287 will also try to file various O.A.s with identical pleas which is not permissible in law.

3. Heard the Learned Counsel for parties and perused the pleadings.

The Learned Counsel for Applicant, during the course of pleading draws our attention that he has made a representation to the competent authority after the written test results were published but no reply has been made by respondents. The question to be considered here is whether it is necessary that the Tribunal should call for the selection panel proceedings in order to verify whether applicants contention is valid or not.

In the entire OA, we do not find any allegation against the respondents that their actions are malafide or arbitrary, and no grounds has been made out for our interference. In the result, we do not find any merit in the OA and the OA is dismissed at the admission stage itself.

*M.R. Kolhatkar*

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(M. R. KOLHATKAR)  
MEMBER (A)

*B.S. Hegde*

(B.S. HEGDE)  
MEMBER (J)

abp.