

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.No.806/2001

Dated this Tuesday the 23rd Day of April, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt.Shanta Shastry, Member (Administrative)

Suresh R. Hawaldar,
Sr.Ticket Collector,
Vikhroli Railway Station,
Central Railway,
Mumbai.

Residing at
36/1170, Tagore Nagar,
Vikhroli (E),
Mumbai - 400 083.

.. Applicant.

(By Advocate Shri G.S. Walia)

Versus

1. Union of India, through
General Manager,
Central Railway, Mumbai CST,
Mumbai - 400 001.
2. Divisional Railway Manager,
Central Railway,
Mumbai CST, Mumbai-400001.
3. R.R. More,
Hd. TTE, CSTM,
Central Railway, Mumbai.
4. S.V. Dator,
Hd. TTE,
TNA, Central Railway,
Mumbai.

.. Respondents.

(By Advocate Shri S.C. Dhawan for
Respondents No.1 and 2).

Order (Oral)
{ Per : Smt.Shanta Shastry, Member (A) }

The applicant has approached this Tribunal to
quash and set aside the impugned order dated 31.7.2001
passed by the respondents. The applicant is also seeking

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a directions to the respondents to continue him in the post of HTC grade 1400-2300/- (RPS) with all consequential benefits. The applicant also wants the selection of the candidates who have qualified for the viva-voce test because of the notional seniority marks as void ab initio and thereby set aside their selection.

2. The applicant had earlier approached this Tribunal in O.A.No.767/1997 against his non selection and not being called for viva-voce test for the post of Head T.T.E./Head TC/COR. The O.A. was disposed of with a direction to the respondents to reevaluate the answer papers of the applicant and if after the revaluation the applicant secures the requisite marks for being called for an interview, the applicant shall accordingly be called for the viva-voce test within a period of one month from the date of receipt of copy of this order and further declare the results. Accordingly, the respondents revaluated the answer sheets of the applicant and found that the applicant still did not qualify in the written test for the post of Head T.C. The applicant was informed vide letter dated 30.7.2001.

3. In view of the directions given by the Tribunal in the earlier O.A.No.767/97, the only thing that we have to satisfy ourselves about is whether the revaluation has been done or not as directed. The respondents have

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produced the answer paper of the applicant. We have gone through the same and we find that revaluation has been done and the answers to the 3 questions i.e. No.6, 7 and 8 which had not been evaluated earlier have now been evaluated and the totalling also has been done correctly. We find even after revaluation the applicant has not qualified for the interview to be held. Earlier the applicant had received only 38 marks in the written test out of 100 which were converted to 13 out of 35 ^{and 6} after giving 13 notional seniority marks, the applicant's total had gone upto 26 marks making him ineligible for the viva-voce test. After revaluation the applicant has got 40 marks in the written test. The notional seniority marks remained the same. The applicant thus still has not secured 60% marks for qualifying for the viva-voce test. The applicant argued that by adding notional seniority marks he got 60% in the written test as he requires only 21 out of 35. We have perused the relevant rule position. While the marks for written test are out of 35 ^{the} ~~when~~ notional seniority marks are out of 15. Thus the total marks for written test plus notional seniority together are 50. Therefore, the applicant having got less than 30 in the total out of 50 he has not qualified for the viva-voce even after adding notional seniority marks. In view of this position we are unable to quash and set aside the impugned order dated 30.7.2001.

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4. The respondents have produced the answer papers of the applicant in an open envelope, it was not sealed, we take a very serious view of this as the answer paper is a confidential document. The learned counsel for the respondents however, ^lapologises and submits that the envelope was picked up in a hurry from the cupboard of the officer concerned. We are not satisfied with this explanation. We, therefore, express our dis-pleasure on this and hope that the respondents shall take adequate care not to repeat this type of mistake in future.

5. Accordingly the O.A. is dismissed, without any order as to costs.

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(Smt. Shanta Shastry)
Member (A)

B. Dikshit

(Birendra Dikshit)
Vice Chairman.

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