

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE ELEVENTH DAY OF NOVEMBER, 1986

Present: Hon'ble Shri Justice K.S. Puttaswamy

.. Vice-Chairman

Hon'ble Shri P. Srinivasan

.. Member (A)

APPLICATION No. 1019/86

Eshwar Gaibu,  
Junior Shop Superintendent  
Workshop (Erecting Shop),  
South Central Railways,  
Hubli, District Dharwar.

.. Applicant

(Shri R.U. Goulay .. Advocate)

V.

The Railway Board by its  
Chairman,  
Rail Bhavan,  
New Delhi.

The General Manager,  
South Central Railways,  
Secunderabad (Andhra Pradesh),

The Additional Chief  
Mechanical Engineer,  
South Central Railways,  
Hubli, Distt. Dharwar.

.. Respondents

(Shri M. Srirangiah .. Advocate)

This application has come up for hearing before this  
Tribunal to-day, Hon'ble Vice-Chairman made the following:

O R D E R

This application originated as a writ petition before the  
High Court of Karnataka and was subsequently transferred to this  
Tribunal.

2. The applicant's grievance in the petition as originally  
filed was as follows: He was promoted as Junior Shop Superin-  
tendent (JSS) from the post of Chargeman Grade A in the South  
Central Railway at Hubli by an order dated 10.6.1981. While he  
was continuing to hold that post on an ad hoc basis the respon-  
dents held a selection test including written examination and  
viva voce to promote persons regularly to the post of JSS. The  
applicant took the test but unfortunately did not pass it. The

*P. Srinivasan*

results of the test were announced by a letter dated 17.11.83 in which the names of successful candidates were given and the applicant was not one of them. In the writ petition as originally filed, the applicant prayed that the requirement of passing the test for appointment to the post of JSS should not be enforced on him and that the proposal to hold such a test contained in letter dated 30.5.1983 (Annexure D) should be quashed so far as he is concerned. It transpires that after filing the writ petition the applicant was reverted as Chargeman Grade A with effect from 20.1.1984 and retired from service on 31.12.1984.

2. Shri R.U. Gouley, learned counsel for the applicant submitted before us that in the written examination held as part of the test, the applicant had secured 35 marks out of 50 marks which works out to more than 60% of the marks and that he should have been called for viva voce test and this had not been done. Therefore, the results of the test declared by the respondents were not correct. He also mentioned that the marks obtained by him had been noted in the order sheet of the High Court when the matter was heard.

3. Shri M. Srirangaiah, learned counsel for respondents resisted the claim of Shri Gouley.

4. We have perused the order sheet and we find that the applicant had secured 35% of the marks and not 35 marks in the written test. Shri Gouley drew our attention to the rules which requires a minimum of 60% marks in the written test for a person to be called for the viva voce test and where the promotion is to a safety category this minimum is not relaxable even for SC/ST candidates. The applicant was a SC candidate.

P. J. V.

In view of the rules which have laid down a minimum qualifying percentage of 60 in the written test the claim of the applicant that he should have been called for the oral test cannot be sustained. Nor can the request made in the petition that the applicant be exempted from taking the test at all be allowed to prevail. There is no provision in the rules to exempt an official from the test merely because he has only one year service left as in the case of the applicant. As we have earlier noted the applicant has retired about two years.

5. In the result the application is dismissed and there will be no order as to costs.

No. *Quoted*  
 VICE CHAIRMAN  
 11.11.1986

MEMBER (A)  
11.11.1986