

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: **17 FEB 1995**

APPLICATION NO: 1715 of 1994.

APPLICANTS:- Mr. Varghese John, Mysore.
V/S.

RESPONDENTS:- The Senior Divisional Accounts Officer,
Southern Railway, Mysore and others.,

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1. Dr. M. S. Nagaraja, Advocate, No. 11,
First Cross, Second Floor,
Sujatha Complex, Gandhinagar,
Bangalore-9.
2. Sri. N. S. Prasad, Advocate,
No. 29, Fifth Main, Gandhinagar,
Bangalore-9.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 09-02-1995.

Issued on
17/02/95


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 1715 OF 1994

THURSDAY, THIS THE 9TH DAY OF FEBRUARY, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A).

Varghese John,
Aged 44 years,
S/o Sri C.V. John,
87, V.R.C. Yadavagiri,
Mysore-570 020.

.. Applicant.

(By Advocate Dr. M.S. Nagaraja)

v.

1. The Senior Divisional Accounts Officer,
Southern Railway, Mysore Division,
Mysore.
2. The Financial Adviser & Chief Accounts Officer,
Southern Railway, Park Town,
Madras-600 003.
3. The Railway Board,
represented by Chairman,
Railway Board, New Delhi.
4. Union of India, represented by
Secretary to Government,
Ministry of Railways,
New Delhi.

.. Respondents.

(By Standing Counsel Shri N.S. Prasad)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

Heard Dr. M.S. Nagaraja, learned counsel for the applicant and the learned Standing Counsel Shri N.S. Prasad for Railways/ administration to-day. The grievance of the applicant is that he was not appropriately considered for the post of the Assistant Accounts Officer against the quota reserved for competitive departmental examination. He apprehends very seriously that the department has cut down the number of vacancies to be filled



up with a view to economise on manpower utilisation the result being the negation of the applicant's claim although he had performed extremely well in the examination. Per contra, the department has filed a counter statement alleging that the applicant did not qualify in the written examination and those who qualified in the written examination were subsequently called for viva voce and a selection made from them duly. They have denied the averments made by the applicant that the panel was deliberately shortened by cutting down the number of vacancies to be filled.

2. We have had the advantage of perusing the marks list submitted by the Examiner as also the tabulation statement of marks secured by all the candidates who had taken the written examination numbering about 167. We find from those statements that there was nothing dubious about it and consequently it is appropriate to assume that the applicant was put out of consideration because of his inapt performance in the written examination. As for the contention that the size of the panel was deliberately cut down to do away with candidates like the applicant, that assertion has been negated justifiably. This is the only point raised for consideration in this application. Hence, this application fails and it is dismissed accordingly.

No costs.



Sd/-
MEMBER(A)

Sd/-
VICE-CHAIRMAN.

TRUE COPY
[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore