

CENTRAL ADMINISTRATIVE TRIBUNAL: MUMBAI BENCH

O.A.NO. 219 OF 1993.

FRIDAY, THIS THE 2ND DAY OF JULY, 1999.

Shri Justice S.Venkataraman, .. Vice-Chairman.

Shri S.K.Ghosal, .. Member(A).

Khoju Shaikh,
working as Diesel Mechanic
Grade-I under Diesel Foreman,
Office at Bandra,
Bombay-400 050.

.. Applicant.

(By Advocate Shri G.S.Walia)

v.

1. Union of India through
General Manager,
Western Railway,
Head Quarter Office,
Churchgate, Bombay-400 020.

2. Divisional Railway Manager,
Western Railway,
Divisional Office,
Bombay Central, Bombay-400 008.

3. Senior Divisional Mechanical
Engineer, Western Railway,
Divisional Office, Bombay
Central, Bombay-400 008.

.. Respondents.

(By Standing Counsel Shri V.S.Masurkar)

O R D E R

Justice S.Venkataraman, Vice-Chairman:-

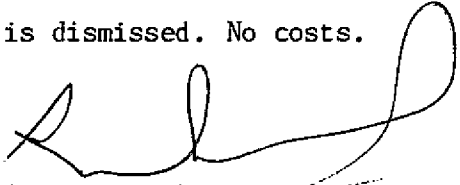
The applicant who is a Diesel Engine Mechanic I was included in the list of candidates for purpose of promotion to Junior Diesel Chargeman. The applicant passed in the written test and he was also called for viva voce. But, in the panel dated

16-6-1990 only 9 candidates were selected.

2. The main grievance of the applicant is that the selection has been arbitrary, that though one ST candidate had been selected in the panel, as subsequently he retired before the actual order of appointment was issued, the applicant should have been included in the panel towards the ST category and that in any event relaxation should have been given to the applicant, he being a ST category and his name should have been included.

3. When the matter came up for hearing, the learned counsel for the applicant submitted that if the applicant had secured 60 per cent of marks, he would be eligible for inclusion in the panel as there were 12 vacancies and only 9 had been included in the panel and as such the relevant records regarding selection may be secured and verified. To-day we have perused the selection proceedings produced by the learned counsel for the respondents. We find from the proceedings that the applicant is the last person in the list of candidates who were considered and that he has not secured 60 per cent of the aggregate marks. In view of this, he was not eligible for being included in the panel of selected candidates. As such, we are unable to give any relief to the applicant.

4. For the above reasons this application fails and the same is dismissed. No costs.


(S. K. GHOSAL)
MEMBER(A)


(S. VENKATARAMAN)
VICE-CHAIRMAN.

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