

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 429/95

DATE OF DECISION: 14/7/2000

Shri Uttam.M.Gunjaj . Applicant.

Shri G.S.Walia

----- Advocate for
Applicant.

Versus

Union of India & Anr.

----- Respondents.

Shri A.L.Kasturey

----- Advocate for
Respondents.

CORAM:

Hon'ble Shri A.V.Haridasan, Vice Chairman
Hon'ble Shri Govindan.S.Thampi, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.


(A.V.HARIDASAN)
VICE CHAIRMAN

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:429/95
DATED THE 14TH DAY OF JULY,2000

CORAM:HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN.
HON'BLE SHRI GOVINDAN.S.THAMPI, MEMBER(A).

Uttam.M.Gunjai,
Working as Non-Matric Clerk
in Sr.D.E.N's Office,
Western Railway,
Bombay Division,
Bombay Central,
Bombay - 400 008.

... Applicant.

By Advocate Shri G.S.Walia

V/s.

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

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

... Respondents.

By Advocate Shri A.L.Kasturey

(ORDER) (ORAL)

Per Shri A.V.Haridasan, Vice Chairman.

The applicant was holding the post of Khalasi substantively and officiating as Non-Matric Clerk from 31/12/1987 onwards and was allowed to participate in the selection process for appointment to the post of Non-Matric Clerk, but failed to make it in the Written Test and has filed this application seeking a declaration that he is entitled to be called for interview on the performance in the written test and for a

...2.

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 429/92
DATED THE 14TH DAY OF JULY, 2000

CORAM: HON BLE SHRI A.V. HARIKISSAN, VICE CHAIRMAN.
HON BLE SHRI BALVINDAN S. THAMPI, MEMBER (A).

Uttam M. Guntal,
Working as Non-Matric Clerk
in S.D.O.'s Office,
Western Railway,
Bombay Division,
Bombay Central,
Bombay - 400 008.

... Applicant.

By Advocate Shri D.S. Wadia

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

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

Respondents.

By Advocate Shri A.V. Harikissan

(ORDER) (ORAL)

Per Shri A.V. Harikissan, Vice Chairman.

The applicant was holding the post of Khola
substantively and officiating as Non-Matric Clerk from 31/12/1997
onwards and was allowed to participate in the selection process
for appointment to the post of Non-Matric Clerk, but failed to
make it in the Written Test and has filed this application
seeking a declaration that he is entitled to be called for
interview on the performance in the written test and for a
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direction to respondents to call him for interview and if he succeeds in interview include his name in the select list dated 19/12/94 with all consequential benefits.

2. The Applicant has alleged that the Competent Authority had not issued an order constituting the selection committee, that the seniority list was not finalised and seniority marks were not awarded to applicant and therefore the action of the respondents in not including the applicant's name in the list of the persons called for interview is irrational and unjustified.

3. The respondents contend that the Committee was properly constituted, that the seniority was properly fixed, that the applicant was permitted to appear in the written test on the basis of his seniority and that he was not called for interview because he did not pass the written test. As there is no infirmity in the holding of the selection process, they contend that the applicant does not have a valid cause of action.

4. On a careful scrutiny of the facts and circumstances brought out in the pleadings and on hearing the learned counsel on either side, we do not find any infirmity in the process of selection. The applicant was not included in the list of persons called for interview because he did not qualify in the written test. The applicant has not been able to

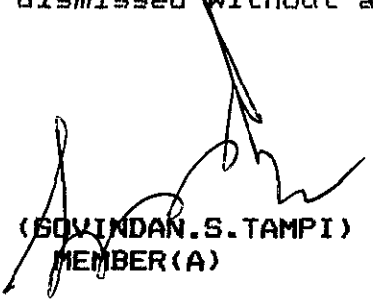
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establish that there was any factor which vitiated the process.

In the result, the application fails and the same is dismissed without any order as to costs.



(GOVINDAN.S.TAMPI)
MEMBER(A)



(A.V.HARIDASAN)
VICE CHAIRMAN

abp.