

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 1031/95

Transfer Application No.

Date of Decision 6-12-95

Shri C.Gambhir & Ors.

Petitioner/s

Shri G.K.Masand

Advocate for  
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri V.S.Masurkar

Advocate for  
the Respondents

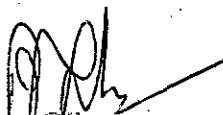
CORAM :

Hon'ble Shri. B.S.Hegde, Member (J)

Hon'ble Shri. P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to other Benches of the Tribunal ?

  
(P.P.SRIVASTAVA)

MEMBER (A)

  
(B.S. HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

DA.NO.1031/95

Shri Chakradhar Gambhir & Ors. ... Applicants

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (J) Shri B.S.Hegde  
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri G.K.Masand  
Advocate  
for the Applicants

Shri V.S.Masurkar  
Advocate  
for the Respondents

JUDGEMENT

Dated: 6.12.95

(PER: P.P.Srivastava, Member (A))

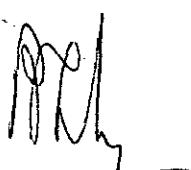
The applicants were working as Skilled Artisan in the Carriage and Wagon Department of the Bhusaval Division of the Central Railway. A selection for the post of Train Examiners was ordered vide respondents' letter dated 5.1.1995 for seven general candidates. The applicants applied for the same along with the others and a list of 84 candidates was circulated vide letter dated 27.2.1995 who were considered eligible for written test. A written test was held on 25.3.1995 and the results were declared on 21.6.1995. In this list the names of the applicants appeared at Serial No. 2,5,7 & 14. The respondents No. 4 to 10 also passed the test and their names appeared at Serial



No. 1,4,9,11,15,18 & 19. All the employees who had passed the written test were called for viva voce test on 10.7.1995. The applicants have submitted that the respondents conducted a practical test which has not been laid down in the rules. During this practical test the applicants were asked to do some repair work at Down Sick Siding. The applicants were called for viva voce test before a Board which consisted of four officers. The results of selection were notified by letter dated 3.8.1995 where the applicants were not selected but the Respondents No. 4 to 10 have been found suitable. Aggrieved by their non-selection the applicants have approached the Tribunal through this OA.

2. The main ground for challenging the non-selection taken by the applicant is that the respondents held a practical test for which only 3rd Respondent gave marks and there is no provision in the rules for conducting a practical test and therefore the selection is not according to rules and is required to be quashed.

3. On this point the respondents have brought out that the practical test has been provided in the rules for selection to the post of TXR in the Headquarter letter.



The respondents have further brought out that the marks of practical test have not been added and have not been taken into consideration at the time of selection.

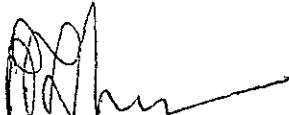
4. The counsel for the applicant Shri Masand also argued that the applicants have secured more marks both at the written and viva voce test and urged that the selection proceedings may be seen. The counsel for the applicant has further argued that the main relief which the applicant has sought in this OA. is that "the Hon'ble Tribunal will be pleased to call for the records and proceedings of the selection for the post of Train Examiner against 20% quota conducted by Respondent No. 2 including the answer papers of the applicants as well as Respondent Nos. 4 to 10 and the results of the Viva Voce test and after going through the same this Hon'ble Tribunal will be graciously pleased to quash and set aside the select list dated 3.8.1995."

5. The respondents have produced the selection proceedings which have been seen by us. It is seen that all the four applicants have been declared unsuitable on the basis of the marks obtained by them in the selection proceedings. Selection Proceedings have been signed by all the Members of the Selection Board, i.e. (1) Divisional Personnel Officer, (2) Divisional Mechanical Engineer,



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(3) Divisional Engineer (Head Quarter), (4) Divisional Signal & Telecommunication Engineer (Cost). It is also seen that the marks have been given for the written test and viva voce test, personality leadership test and seniority as well as for record of service. No marks have been given for practical test as alleged by the applicants. We have also perused the Note-books of the applicants. After going through the records of selection, we see no reason to interfere with the selection. We found no infirmity which would warrant intervention on our part. The OA. is, therefore, dismissed in the circumstances of the case. There would be no order as to the costs.

  
(P.P. SRIVASTAVA)

MEMBER (A)

  
(B.S. HEGDE)

MEMBER (J)

mrj.

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