

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.319/1997.

Friday, this the 21st day of December, 2001.

Hon'ble Shri B.N.Bahadur, Member (A),  
Hon'ble Shri S.L.Jain, Member (J).

Panna Ram Meena,  
Room No.305, Ambernath Road,  
Waldhuni,  
Kalyan,  
District Thane.  
(By Advocate Shri R.S.Tulaskar)

...Applicant.

Vs.

1. Union of India,  
through General Manager,  
Central Railway,  
CST Main.
2. The Divisional Railway Manager,  
Central Railway, Mumbai Division,  
CSTM.
3. The Senior Divisional Personnel Officer,  
Central Railway,  
CSTM.  
(By Advocate Shri V.S.Masurkar)

O R D E R (ORAL)

B.N.Bahadur, Member (A).

The applicant Panna Ram Meena, working as Senior Ticket Collector has come upto the Tribunal seeking reliefs, in substance as follows :

"(a) That this Hon'ble Tribunal will be pleased to call for the records and proceedings leading to the issue of the impugned panel under letter No.BB/P/C/181/GC/COR/HTTE/HTC dt. 13.2.1997 and after going through the legality or otherwise thereof this Hon'ble Tribunal will be pleased to quash and set aside the impugned order.

(b) That this Hon'ble Tribunal will be pleased to direct the Respondent No.3 by a mandatory order to issue a fresh panel, of COR/HTTE/HTC including the name of the Applicant at appropriate place on the basis of consideration of his General Seniority in the light of submission made by the Applicant in paragraph - IV and V of the present Application and taking into consideration

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the rule on the subject contained in IREM and orders issued by the Railway Board from time to time and Judgment delivered by the Hon'ble Supreme Court on the point."

2. In short, his grievance relates to the selection process which were notified for selection to the post of Head Ticket Collector/Head T.T.E. (Scale of Pay : Rs. 1400-2300) from the post of Senior T.C. It is an accepted position, as seen from page 19, that the selection process was held for 140 unreserved seats, 11 Scheduled Caste seats and nil Scheduled Tribe seats. The applicant presently before us is a member of ST community, but has statedly appeared at the selection as an open candidate, which is his right as per the law and rules. The grievance of the applicant is that there is the flaw in the selection process, whereby persons who are at positions distinctly below him in the seniority list have been selected and he has been ignored for the selection. With this grievance, the applicant is before us.

3. The Respondents have filed a written reply giving the facts of the case, and attempted to meet the averments in the OA parawise. In paragraph 5 of the written reply, it is stated that the applicant cleared the written test only on the basis of addition of notional marks and was therefore called for viva voce test in the selection process. It is further stated that the applicant could not qualify in the said selection at par with the general candidates against un-reserved posts. Hence, he could not find a place in the selection panel prepared by the Respondents and published on 13.2.1997 (Exhibit 'A').

4. We have heard Learned Counsel Shri R.S.Tulaskar and Shri V.S.Masurkar for the respective sides.

5. Shri Tulaskar took us over the facts of the case. His main point quite fairly was that the record on the case should be looked into and that the real picture in respect of the justifiability of his grievances would emerge therefrom. He made the point that notional marks were not correctly awarded. We, therefore, examined the record of marks assigned to all the candidates who had appeared at the selection.

6. In the first place, we must recall the communication dt. 6.11.1996 'Exhibit - C' page 34. It is clear that there are different categories of persons and the categories in which they have been directed to appear for interview. The applicant who admittedly is at Roll No.145 is shown to have become eligible to appear at the viva etc. only with notional marks. Thus at the very outset, the facts of declaration of applicants result are fairly stated. He has, of course, been rightly taken as an open candidate for this purpose.

7. We now come directly to our perusal of the record/s produced before us. We find that, in the first place, the applicant has not secured the required 60 marks in the written test. This point is clear. Be that as it may, on the basis of notional marks he has been called for interview. In the remaining prt of the markings also we find that he does not reach the total of 60 (per cent) marks and reaches only to the level of some 50 marks. We, thereafter, gleaned through the record of marks of total list and could not find any open category candidate who has been found fit, and who has secured 50 marks or less. In fact, generally we observed that persons with 60 marks and above have been declared as suitable. No

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doubt, certain persons have been declared as suitable in the categories like SC. Now, once the position of marking is such the claim of the applicant fails at the very initial stage itself, therefore, the grounds regarding the wrongful system of marking etc. which were alleged by the Learned Counsel for the applicant would not stand. When on both written and viva, seniority etc. the requisite level of marks has been reached by the applicant, there are no grounds sustainable on behalf of applicant for the claim of reliefs as sought. It is also an accepted fact that this is a selection process and thus the applicant has to make the grading in competition with others.

7. In view of the above discussions and the position as gleaned from the record, the OA is seen clearly to be devoid of merit. It is hereby dismissed with no order as to costs.

*S.L. Jain*  
(S.L.JAIN)  
MEMBER(J)

*B.N. Bahadur*  
(B.N. BAHADUR)  
MEMBER (A)

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*dt. 21/12/01*  
Order ..... matched  
to Ap ..... ment (s)  
on 23/1/02

*m*