

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: MUMBAI BENCH  
MUMBAI

O.A.No.624 of 1997.

Date of Order:20-9-2001.

Between:

Namdeo Mahadeo Nawale,  
C/o Abhay D.Parab,  
Head Clerk, LOCo, DSL Shed,  
Central Railway, Jurdwadi,  
Solapur Division.

...Applicant

a n d

1. Union of India, through the General Manager, Central Railway, Mumbai CST, Mumbai-400 001.
2. Dy.Chief Personnel Officer, Central Railway, Head Quarters Office, Mumbai CST, Mumbai-400 001.
3. Div.Railway Manager(P),Central Railway, Solapur.
4. Div.Personnel Officer, Central Railway, Solapur.
5. Asst.Mech.Engineer(DSL), Loco Shet, Kurduwadi.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.A.D.Parab

COUNSEL FOR THE RESPONDENTS : Mr.V.D.Vadhavkar

CORAM:

THE HON'BLE SRI JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN  
THE HON'BLE SMT.SHANTA SHASTRY, MEMBER (ADMN.)

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: O R D E R :

(Per Hon'ble Sri Justice V.Rajagopala Reddy, Vice Chairman)

The applicant, who joined service in 1962 as Khalasi earned the promotion and became Head Clerk in Solapur Division, Central Railway. The grievance of the applicant pertains to his promotion to the post of Office Superintendent Grade-II. By a notification dated 29-7-1996, it has been decided to conduct the selection for the post of Office Superintendent Gr.II by holding written test as well as viva-voce in accordance with the selection process as per Indian Railway Establishment Manual. Out of 16 posts, 3 posts were reserved for SC and the remaining for General. The applicant along with others had appeared in the written test on 7-9-1996. It is stated that he had passed the written test and hence he was sent for the viva-voce, which was held on 13-12-1996. The case of the applicant is, he was stood first in the merit list of the selected candidates and he also earned high marks for his seniority and hence he was entitled to have been selected for promotion to the post of Office Superintendent Gr.II. It is stated that out of 13 General posts, 12 candidates had passed the test, and out of 3 posts reserved for SC, 8 SC candidates passed the test. Thus out of 39, 20 candidates passed the test against 16 vacancies. It is therefore contended by the learned Counsel for the Applicant that he should have been in the list of selected candidates.

QAA ✓

The results were published on 20-12-1996 and the selected candidates were promoted on 21-1-1997, which is impugned in this case.

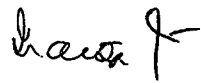
2. The respondents, however, have taken the stand that the name of the applicant did not appear in the selected candidates list as he was found unsuitable by the Selection Board. As per the rules, all the selected candidates, who belong to General Community, are required to obtain the minimum 60% of marks to qualify for viva-voce. However, in view of the instructions of the Railway Board dated 5-12-84 to allot notional marks for seniority to determine eligibility to appear for <sup>in</sup> the interview, ~~as contained~~, although the applicant failed to secure 60% of marks in the written test, he was found eligible for Interview after undertaking the exercise for granting notional marks for seniority. The panel of selected candidates, 13 General and 3 SC was declared by letter dated 20-12-1996 (Annexure-R-III).

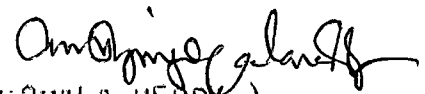
3. Having heard the Counsel for the Applicant and the Respondents, we are of the view that the applicant having been considered for selection and as he could not get the minimum marks of 60% in the written test, he was rightly not considered eligible for promotion. We also perused the Minutes of Selection and the marks awarded to each candidate, who attended the Interview. It is seen that the applicant had not got the required number of marks in the written test. Hence, the applicant <sup>having</sup> failed to <sup>get</sup> the required number of marks in the written test, the applicant cannot make any grievance

for his non-selection. The contention that against 3 vacancies of SC, 4 candidates of SC have been filled up, is opposed to the record. From the select list/<sup>it</sup> is clear that only 3 candidates<sup>posts</sup> have been filled up against the 3 SC candidates. One more SC candidate, was however, selected, <sup>as</sup> but he was found fit on the basis of his own merit and not as an SC candidate.

4. It is, however, stated that after 1997, no further selection has been held till date. From the reply it is clear that there is one vacancy of OS Gr.II and it is not known for what reason the said vacancy was not filled. No reason is assigned in the reply.

5. Hence, in the interest of justice, <sup>we</sup> direct the respondents to consider filling up of the vacancies of OS Gr.II, which are still unfilled, by issuing proper notification, <sup>within</sup> not later than 3 months from today. With this observation, the DA stands dismissed, in the circumstances without ordering any costs.

  
( SMT.SHANTA SHASTRY )  
MEMBER(A)

  
( V. RAJAGOPALA REDDY )  
VICE CHAIRMAN

Dated: this the 20th day of September, 2001

Dictated in the Open Court

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