

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. 767/1997

Dated this Monday, the 13th Day of June, 2001.

Shri Suresh Ramchandra Hawaldar Applicant

(Applicant by Shri L.M. Nerlekar, Advocate)

Versus

UOI & Ors. Respondents

(Respondents by Shri V.D. Vachhakna Adv.)

CORAM

HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

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

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

(3) Library. 2nd Atk 9-

(Smt. Shanta Shastry)
Member (A)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No. 767/1997

DATE OF DECISION: 13.6.2001

CORAM: HON'BLE SMT. SHANTA SHAstry, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Shri Suresh Ramchandra Hawaldar
aged 56, Sr. Ticket Collector,
Vikhroli Railway Station,
C.Rly. and r/a: 36/1170
Tagore Nagar, Vikhroli (East)
Mumbai 400 083. Applicant
(Applicant by Shri L.M. Nerlekar, Advocate)

vs.

- 1) Union of India
through General Manager,
Central Railway,
Mumbai, CST.
- 2) Divisional Railway Manager,
Central Railway,
Mumbai CST.
- 3) Shri A.K. Gupta,
COR, CSTM.
- 4) Shri V.S. Rajput,
COR, CSTM.
- 5) Shri M.R. Borde,
COR CSTM
- 6) Shri M.H. Shelke,
COR, CSTM
- 7) Shri Mohinuddin,
COR, CSTM.
- 8) Shri A.K. Tyagi,
COR, CSTM.
- 9) Shri Shashi Kumar V.Pillai,
COR CSTM.
- 10) Shri B.V. Salvi,
COR., CSTM.
- 11) Shri V.B. Bajpal,
COR, CSTM.
- 12) Shri O.N. Dubey,
COR, CSTM.

- 13) Shri M.R. Gaikwad,
COR, CSTM.
- 14) Shri C.V. Vijayan,
COR, CSTM.
- 15) Shri A.R. Zari,
COS, CSTM.
- 16) Shri C.S. Kale,
COR, CSTM.
- 17) Shri H.R. Gupta,
COR, CSTM.
- 18) Shri V.M. Nair,
COR, CSTM.
- 19) Shri P.D.S. Naik,
COR, CSTM.
- 20) Shri S.D. Iakade,
HTTE, PA.
- 21) Shri B.L. Gade,
HTTE, CSTM.
- 22) Shri N.Y. Gankar,
HTC, CSTM.
- 23) Shri Ramchal R. Singh,
HTC, Ghatkopar.
- 24) Shri R.R. More,
HTC., CSTM.
- 25) Shri A.M. Saxena,
HTC, CSTM.
- 26) Shri A. Ramaswamy,
HTC, CSTM.
- 27) Shri M.H. Saraf,
HTC, CSTM.
- 28) Shri Ratanlal D. Kasbe,
HTC., CSTM.
- 29) Shri J.B. Parate,
HTC, CSTM.
- 30) Shri Shivdeep Saxena,
HTC CSTM.
- 31) Shri Ramprasad Singh,
HTC, CSTM.

- 32) Shri Prakash N. Tiwari,
HTC CSTM.
- 33) Shri Sajan Sam,
HTC/CSTM.
- 34) Shri Y.P.Chopra,
HTC/CSTM.
- 35) Shri D.N.Patil,
HTC/CSTM.
- 36) Shri Abdul Kadir Nazir,
HTC, CSTM.
- 37) Shri Pradeep P. Chincholikar,
HTC, CSTM.
- 38) Shri Santosh K. Kalviya,
HTC., CSTM.
- 39) Shri Vishnu M. Kasar,
HTC. CSTM.
- 40) Shri S.K.Shukla,
HTC., CSTM.
- 41) Shri Anil K. Garg,
HTC. HYN.
- 42) Shri Ramesh C. Sharma
HTTE, CSTM.
- 43) Shri S.K. Bajpai,
HTC, CSTM.
- 44) Shri A.K.Agnihotri,
HTC, CSTM.
- 45) Shri Sabtajin S. Shaikh,
HTC., CSTM.
- 46) Shri Nandkishor Rathod,
HTC, CSTM.

- 47) Shri Shrikant L.Gore
HTC CSTM
- 48) " J.P.Purohit
HTC CSTM
- 49) " Israr A.H.Anvari
HTC CSTM
- 50) " Harisingh Mathuria
HTC CSTM
- 51) " Raj Singh
HTC CSTM
- 52) " Mohd Abdul S.Khan
HTC CSTM
- 53) " Narendra K.Mohadie
HTC CSTM
- 54) " Ashok K.Tiwari
HTC CSTM
- 55) " Dayaram
HTC CSTM
- 56) " Jai Singh
HTC CSTM
- 57) " Pravin C.Saxena
HTC CSTM
- 58) " Shyamrao Brahme
HTC CSTM
- 59) " P.A.Kashikar
HTC CSTM
- 60) " R.Ratnakar
HTC CSTM
- 61) " Kaushal K.Verma
HTC CSTM
- 62) " K.S.Rakhunde
HTC CSTM
- 63) " Khawja I.Ahmed
HTC CSTM
- 64) " R.S.Bhusari
HTC CSTM
- 65) " P.R.Dixit
HTC CSTM
- 66) " Laxminarayan Mishra
HTC CSTM
- 67) " Ravikant P.Rassay
HTC CSTM
- 68) " P.Peter Issac
HTC CSTM
- 69) " G.B.Patne
HTC CSTM
- 70) " V.K.Shashidharan
HTC CSTM
- 71) " N.Raghu
HTC CSTM
- 72) " Lingayya Laxmayya
HTC CSTM

- 73) Shri A.K.Upadhye
HTTC CSTY
74) " H.M.Khan
HTC Thana
75) " Uday V.Singh
HTC Thana
76) " S.M.Deshmukh
HTC Thana
77) " S.D.Digvekar
HTC Thana
78) " Ramkrishna Gupta
HTC Thana
79) " P.N.Deshmukh
HTC Thana
80) " Kadri Md.Anis Ali
HTC Thana
81) " S.B.Solanki
HTC Thana
82) " S.V.Datar
HTC Thana
83) " S.P.Mishra
HTC Thana
84) " G.K.Thomre
HTC Thana
85) " N.D.Sakpal
HTC Thana
86) " Sanjay A.Deshpande
HTTE PA
87) " V.R.Pardeshi
HTTE PA
88) " S.T.Dhate
HTTE CSTY
89) " Rampratap Tiwari
HTTE CSTY
90) " S.M.Bilve
HTTE PA
91) " Rameshwar R.Verma
HTTE CSTY
92) " S.S.Mukharjee
HTTE CSTY
93) " Keshav Singh
HTTE CSTY
94) " Shaikh Salin
HTTE CSTY
95) " Ramprakash Singh
HTTE CSTY
96) " Sk.Kasam Sk.Abdul
HTTE CSTY
97) " P.G.R.Pillai
HTTE CSTY
98) " V.Ramchandra
HTTE CSTY

- 6 -
- 99) Shri Sudhir Devid
 HTTE CSTM.
 100) " Syana Sunder M. Shilesh
 HTTE CSTM
 101) " Damodhar P. Nair
 HTTE CSTM
 102) " V. Srinivasan Ayyar
 HTTE CSTM.
 103) " V. R. Tambe
 HTTE CSTM
 104) " H. D. Desai
 HTTE CSTM.
 105) " D. D. More
 HTT C PUNE
 106) " F. A. Bhagwan
 HTTE CSTM
 107) " S. B. Sane
 HTTE CSTM
 108) " A. S. Patel
 HTTE CSTM
 109) " A. D. Umbarkar
 HTT C Shirdi Nager
 110) " Bardeshkar Elias J.
 HTT C PUNE
 111) " P. S. Vastal Kumar
 HTTE CSTM.
 112) " Aswar R. Sonu
 HTTE CSTM
 113) " Ravindra Goswamy
 HTTE CSTM
 114) " Vinod K. Awasti
 HTTE CSTM
 115) " Ashok K. N. Dube
 HTTE CSTM
 116) " Vijay K. Shukla
 HTTE CSTM
 117) " Mukesh Chaturvedi
 HTTE CSTM
 118) " Sushil K. Sharma
 HTTE CSTM
 119) " M. K. Tripathi
 HTTE CSTM
 120) " Mansingh T. Prasad
 HTTE CSTM
 121) " Yogendra Prasad
 HTTE CSTM
 122) " Shyam Babu
 HTTE CSTM
 123) " Nair Suresh Kumar
 HTTE CSTM
 124) " Badan Singh Rana
 HTTE CSTM
- 4

- 125) Shri K.K.Saxena
HTTE CSTM
126) " Bimal Kapoor
HTTE CSTM
127) " Avdesh K.Sharma
HTTE CSTM
128) " D.N.Mahajan
HTTE CSTM
129) " Ramesh H.Prasad
HTTE CSTM
130) " D.K.Kognalkar
HTTE CSTM
131) " Indrajeet R.Saxena
HTTE CSTM
132) " B.P.Yadav
HTTE CSTM
133) " Thomas Ramaswamy
HTTE CSTM
134) " Manik H.Choudhary
HTTE CSTM
135) " L.K.Tekchandani
HTTE CSTM
136) " Manib Singh
HTTE CSTM
137) " J.J.Patil
HTC S.Galpuri
138) " Shyamlal Bhatia
HTTE CSTM
139) " Ashok Dhawan
HTTE CSTM
140) " V.K.Sharma
HTTE CSTM
141) " Mahindra K.A.Dube
HTTE CSTM
142) " N.K.Kapoor
HTTE CSTM
143) " C.N.Pingle
HTTE CSTM
144) " Dawood Sd Khan
HTTE CSTM
145) " Gyansingh Ramsingh
HTC PUNE
146) " P.K.Mohanan
HTC Ulhasnagar
147) " Paul Verghese
HTTE CSTM
148) " Kailash N.Tiwari
HTTE CSTM
149) " P.V.Gopi
HTC Ichalkarli

- 150) Shri A.B.Mishra
HTTE CSTW
151) " Surya N.Dube
HTTE CSTW
152) " K.K.Jain
HTC Lonavla
153) " Virendra Kumar
HTTE CSTW
154) " Rajveer Singh Malik
HTTE CSTW
155) " S.K.Gadge
HTTE CSTW
156) " Suhas A.Joshi
HTTE CSTW
157) " Anil N.Pawar
HTTE CSTW
158) " Dilip Nikam
HTTE CSTW
159) " R.P.Dhonde
HTTE CSTW
160) " N.L.Sawaria
HTC Omburle
161) " P.K.Ingawale
HTC Byculla
162) " R.L.Nair
HTC Matunga
163) " T.R.Guruchal
HTC Thane
164) " U.D.Ingole
HTC Bhandup
165) " M.G.Ahire
HTC Mulund
166) " Asjok Kumar
HTC Kurba
167) " K.M.Ayyapan
HTC GTDN
168) " D.B.Kasbe
HTC Vikroli
169) " Ramchandra Gangurde
HTC Sandhurst Road
170) " Y.T.Sonawane
HTC Stom
C/o Divisional Railway Manager
Central Railway, Mumbai

RESPONDENTS

(Respondents by
Shri V.D.Vadhavkar, Adv.

CST 400 001

... 9)

O R D E R (ORAL)

[Per: Smt. Shanta Shastri, Member (A):

The Applicant by this O.A. has challenged the Office Order dated 27.3.1997 by which a panel of 151 employees for the post of Head T.T.E/Head TC/COR in the Grade of Rs.1400-- 2300 has been confirmed and circulated. The Applicant's name does not figure in this panel.

2. At the relevant time, the Applicant was posted as Senior T.C. at Vikhroli. The next promotional post for the Applicant is that of Head T.T.E/HTC/COR which is a selection post. For purpose of selection which comprises both Written Test as well as viva voce a Notification was issued on 21.8.1996 for filling up the 151 vacancies. Accordingly, 459 Senior and eligible candidates including the applicant were called for the Written Test which was held on 22.9.1996 and the supplementary test on 29.9.1996. The results of the Written tests were displayed on 6.11.1996. 223 candidates were asked to appear for the viva voce which was shceduled to be held on 5.12.1996 and 6.12.1996. The Applicant was not called for the viva-voce as he failed to qualify in the Written Text i.e. he could not secure an overall 60% marks in the written test.

3. It is the contention of the Applicant that the selection was not conducted properly. The Respondents clubbed the vacancies for different years thus depriving the applicant an opportunity to take more chances to appear in the Written Tests. Secondly, the applicnat answered the question paper in Hindi and his answer paper was not properly evaluated by Examiners well versed in Hindi. Thirdly according to the applicant the question paper was

not set as per the Circular of Railway Board dated 17.4.1984, wherein it is laid down that Objective Type question may be set for about 50% of the total marks for the Written Tests. According to the applicant there were only two objective type questions. Thus on various grounds the applicant has challenged his non selection for the post of Head TTE/Head TC/COR etc.

4. The learned Counsel for the Respondents submits that the Applicant did not qualify in the Written Test. His paper was properly evaluated though the answers were in Hindi. As far as clubbing up of vacancies is concerned, no doubt the vacancies were clubbed but the instructions are that the panels should be prepared based on the yearwise vacancies. In the case of the Applicant since he did not even qualify for the viva voce test, the question of including his name in any panel does not arise. That stage did not come at all. The learned Counsel also stated that the Railway Circular referred to by the Applicant makes it mandatory to have about 50% questions of objective type only for the higher posts and not necessarily for the post of Head TTE/Head TC/COR which are lower posts and therefore, that guideline has no application in the present case. The Respondents added weightage for seniority while considering the case of the Applicant for calling for viva voce. But even after adding the notional seniority norms the applicant could not secure 60% marks and therefore, he could not be called for the viva- voce.

5. In order to ascertain the correctness about the claims made by the Applicant, the respondents were directed to produce the record. The same was produced. The Applicant's answer paper also was produced in original.

6. It is seen from the Answer Paper that the Applicant had answered all the questions in Part A, the Answers were assessed and he has been given certain marks. As far as Part B is concerned the Applicant was required to answer 7 questions. We find that 5 answers have been evaluated and the remaining answers i.e. to questions No.6 and 7 have not all been assessed. Also we note that the marks given do not tally with the overall total of 38. In our view, therefore, this answer paper needs to be reevaluated. Therefore, without going into the other merits of the applicants case, we remand this matter for reevaluation of the answer paper of the applicant. If after the reevaluation the applicant secures the requisite marks for being called for an Interview, the applicant shall accordingly be called for the vivavoce test within a period of one month from the date of receipt of a copy of this Order and further, results may be declared.

7. The O.A. is disposed of accordingly. We do not order any costs.

S. Raju
(Shanker Raju)
Member (J)

sj*

Shanta S-

(Smt. Shanta Shastry)
Member (A)