

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. Vachhawa 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?

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

(3) Library. ✓

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(Smt. Shanta Shastri)
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 by Shri L.M. Nerlekar, Advocate)

..... Applicant

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.

N

- 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.
- 1

- 47) Shri Shrikant L.Gore
HTC CSTM
- 48) " J.P.Purohit
HTC CSTM
- 49) " Israr A.H.Ansari
HTC CSTM
- 50) " Harisingh Mathuria
HTC CSTM
- 51) " Raj Singh
HTC CSTM
- 52) " Mohd Abdul S.Khan
HTC CSTM
- 53) " Narendra K.Mohadia
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
HTTE CSTM
- 64) " R.S.Bhusari
HTTE CSTM
- 65) " P.R.Dixit
HTTE CSTM
- 66) " Laxminarayan Mishra
HTTE CSTM
- 67) " Ravikant P.Rassay
HTTE CSTM
- 68) " P.Peter Issac
HTTE CSTM
- 69) " G.B.Patne
HTTE CSTM
- 70) " V.K.Shashidharan
HTTE CSTM
- 71) " N.Raghu
HTC MSD.
- 72) " Lingayya Laxmayya
HTTE CSTM

- 73) Shri A.K.Upadhya
HTTE CSTM
- 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 Thane
- 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) " Sanja-y A.Deshpande
HTTE PA
- 87) " V.R.Pardeshi
HTTE PA
- 88) " S.T.Dhate
HTTE CSTM
- 89) " Rampratap Tiwari
HTTE CSTM
- 90) " S.M.Bibve
HTTE PUNE
- 91) " Rameshwar R.Verma
HTTE CSTM
- 92) " S.S.Mukharjee
HTTE CSTM
- 93) " Keshav Singh
HTTE CSTM
- 94) " Shaikh Salin
HTTE CSTM
- 95) " Ramprakash Singh
HTTE CSTM
- 96) " Sk.Kasam Sk.Abdul
HTTE CSTM
- 97) " P.G.R.Pillai
HTTE CSTM
- 98) " V.Ramchandra
HTTE CSTM

- 99) Shri Sudhir Devid
HTTE CSTM.
- 100) " Syana Sunder M. Shilesh
HTTE CSTM
- 101) " Damodhar P. Nair
HTTE CSTM
- 102) " V. Shrinivasan Ayyar
HTTE CSTM.
- 103) " V. R. Tambe
HTTE CSTM
- 104) " H. D. Desai
HTTE CSTM.
- 105) " D. D. More
HTC PUNE
- 106) " F. A. Bhagwan
HTTE CSTM.
- 107) " S. B. Sane
HTTE CSTM
- 108) " A. S. Patel
HTTE CSTM
- 109) " A. D. Umbarkar
HTC Shukrinagar
- 110) " Bardeshkar Elias J.
HTC 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

- 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 Bhatpuri
- 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 Chhatki

- 150) Shri A.B.Mishra
HTTE CSTM
- 151) " Surya N.Dube
- 152) " K.K.Jain
HTTE CSTM
- 153) " Virendra Kumar
HTC Lonauda
- 154) " Rajveer Singh Malik
HTTE CSTM
- 155) " S.K.Gadge
HTTE CSTM
- 156) " Suhas A.Joshi
HTTE CSTM
- 157) " Anil N.Pawar
HTTE CSTM
- 158) " Dilip Nikam
HTTE CSTM
- 159) " R.P.Dhonde
HTTE CSTM
- 160) " N.L.Sawaria
HTC Dombivli
- 161) " P.K.Ingawale
HTC Byculla
- 162) " R.L.Nair
HTC Matunga
- 163) " T.R.Guruchal
HTC Thana
- 164) " U.D.Ingole
HTC Bhandup
- 165) " M.G.Ahire
HTC Mulund
- 166) " Asjok Kumar
HTC Kurla
- 167) " K.M.Ayyapan
HTC GTN
- 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

CST 400 001

RESPONDENTS

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

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 scheduled 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 applicant 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.

4

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)

Shanta Shastri
(Smt. Shanta Shastri)
Member (A)

sj*