

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 880/97

Date of Decision: 20.10.1997

S.R.Barai & Ors.

Applicant.

Shri S.Natarajan

Advocate for  
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri Suresh Kumar

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri. M.R.Kolhatkar, Member (A)

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

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

*M.R. Kolhatkar*  
(M.R.KOLHATKAR)  
MEMBER (A)

*R.G. Vaidyanatha*  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

OA.NO.880/97

MONDAY this the 20th day of October, 1997

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri M.R.Kolhatkar, Member (A)

1. S.R.Barai
2. Keshav Kasiram
3. P.R.Patil

All working in Diesel Loco Shed,  
C.Railway, Kalyan.

Address for service

13, Rashmi Apartments,  
3rd floor, Vadavli Section,  
Ambernath (E) 421 501.

By Advocate Shri S.Natarajan ... Applicant

V/S.

1. Union of India through  
The General Manager,  
Central Railway,  
Bombay CST.
2. The Divisional Railway Manager,  
Central Railway, Bombay CST.
3. The Divisional Mechanical Engineer(D)  
Office of the DME (D), Central Railway,  
Kalyan.
4. Shri A.B.Patil  
Fitter Grade II  
Diesel Loco Shed,  
C.Rly., Kalyan.

By Advocate Shri Suresh Kumar ... Respondents

O R D E R

(Per: Shri Justice R.G.Vaidyanatha, VC)

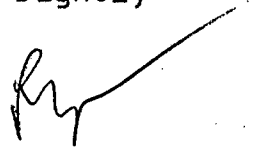
This is an application under Section 19 of  
the A.T.Act. Respondents have filed reply. Heard  
both sides regarding admission.

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2. The applicants along with Respondent No. 4 and others appeared for written test for the purpose of next promotion. The applicants are senior than Respondent No. 4. According to the applicants though they are seniors, Respondent No. 4 appears to have been selected but on the other hand applicants being seniors are entitled to get promotion. On this ground they have approached this court seeking an order to the Respondents No. 1 to 3 to include their names in the panel for promotion and to set aside the inclusion of the name of Respondent No.4 from the panel.

3. Respondents have filed reply. Among other grounds, they have taken stand that the applicants did not qualify in the test since they did not get the required 60% marks either in the professionability test or in the aggregate.

4. At the time of hearing, the learned counsel for the respondents made available to us the record maintained for preparing the panels of promotion. We have perused the said record. We find that the applicants did not get 60% in the professionability test and this itself is sufficient to hold that they are not entitled to be empanelled. Even in the aggregate they did not get 60%. On the other hand, Respondent No. 4 A.B.Patil has obtained 67% and therefore he has been rightly empanelled.



5. After hearing both the sides and considering the rival contentions of the parties and the record produced by the respondents, we are satisfied that the applicants are rightly not empanelled for promotion.

6. In the result, the application is rejected at the admission stage itself. No costs.

*M.R. Kolhatkar*  
(M.R.KOLHATKAR)  
MEMBER (A)

*R.G. Vaidyanatha*  
(R.G.VAIDYANATHA)  
VICE CHAIRMAN

mrj.