

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 166/98

Dated this Friday the 19th day of October, 2001

Hussein Fakruddin

Applicant.

None present

Advocate for the
Applicant.

VERSUS

Union of India & 3 Ors.

Respondents.


Mr.V.S. Masurkar

Advocate for the
Respondents.

CORAM :

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Smt. Shanta Shastry, Member (A).

- (i) To be referred to the Reporter or not ? **NO**
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? **NO**
- (iii) Library.


(Smt. Lakshmi Swaminathan)
Vice Chairman (J).

H.

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A. NO.166/98

Friday, the 19th day of October, 2001

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER (A).

Shri Hussein Fakruddin,
electrical Mistry,
(O/S) having office at
E.F.M.'s Office, Central Railway,
Kurduwadi, Solapur.

.. Applicant.

(By Advocate - None present)

VERSUS

1. The Union of India, through
General Manager,
Central Railway, Solapur.
2. Divisional Railway Manager,
(Personnel), Solapur Division,
Central Railway, Solapur.
3. Divisional Electrical Engineer,
Central Railway, Solapur.
4. Shri S.N. Shirolkar,
Adult, electrical, E.F'S
Office, Central Railway,
Daunt, Dist. Pune.

.. Respondents.

{ By Advocate Shri V.S. Masurkar }

ORAL ORDER

Per Smt.Lakshmi Swaminathan, Vice Chairman (J)

In this application the applicant has sought
directions to the Respondent Nos.1 - 3 to produce the
papers and record of the selection to the post of
Electrical Chargeman Grade B in 25% of the Departmental

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quota from amongst the candidates of Mistry and artisan cadres. After going through the same, he prays for quashing and setting aside the select list dated 13.1.1998. He has impleaded Shri S.N. Shirolkar whose name appears at Sl.No.1 in the Select Panel for the post of Jr.Engineer Grade II in the Electrical Department.

2. None has appeared for the applicant and we note that no rejoinder has also been filed by him, although the reply affidavit on behalf of respondents has been filed as far back as 19.3.1998. In the circumstances, we have carefully perused the pleadings and documents on record and heard Shri V.S. Masurkar, learned counsel for the respondents. He has also submitted the relevant records as prayed for by the applicant in para 8.1 and we have perused the same. We accordingly proceed to dispose of the O.A. on merits under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

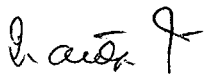
3. The main issue raised in this case is whether the applicant has qualified in the aforesaid selection or not. We have seen the original records submitted by the learned counsel for the respondents and find that the Selection Committee which was held for the purpose of selection on 13.1.1998, for the post of Jr. Engineer, Grade II, has found the applicant un-suitable; whereas S/Shri S.N. Shirolkar and Pralhad Ramchandra (SC) whose

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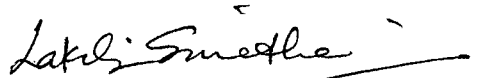
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names have been included in the Select List have been found suitable. It is also relevant to note the averments of the respondents given in Paragraph 12 of their written reply, wherein it has been stated, inter alia, that the applicant was not successful in the selection after the viva-voce test which is a part of the selection process. We are satisfied from a perusal of the relevant records submitted by the learned counsel for the respondents that the applicant has not been found suitable by the duly constituted Selection Committee for promotion to the post of Jr. Engineer Grade II. Accordingly the prayer of the applicant to quash and set aside the Select list dated 13.1.1998 cannot be agreed to and is accordingly rejected.

4. In the result, for the reasons given above, we find no merit in this application. The O.A. accordingly fails and is dismissed. No costs.



(Smt. Shanta Shastri)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice Chairman.

H.