

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD (28)

O.A.No.

421/87

DATE OF DECISION:

6/3/90

I.A.No.

Petitioner.

Advocate for the
petitioner(s)

Versus

Respondent.

Advocate for the
Respondent(s)

CORAM:

THE HON'BLE MR.

B.N. Jayasinha, K

THE HON'BLE MR.

D. Surya Rao, M(O)

1. Whether Reporters of local papers may be allowed to see the Judgment? *no*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgment? *no*
4. Whether it needs to be circulated to other Benches of the Tribunals? *no*
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

BNT
(BNT)

DIR
(DIR)

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 421 of 1987

Date of Order: 06/03/1990

A. Raghuramaiah Applicant

and

Chief Project Manager,
Carriage Repair Workshop at
Renigunta, SCR, Sec'bad,
and others

..... Respondents

For Applicant: Mr. P. Srinivasulu for Mr. I. Venkatanarayana,
learned counsel for the applicant

For Respondents: Mr. N. R. Devaraj, Standing Counsel for
Railways.

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C O R A M:

HON'BLE SHRI B. N. JAYASIMHA: VICE CHAIRMAN.

HON'BLE SHRI D. SURYA RAO: MEMBER (JUDICIAL)

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(Judgment delivered by Hon'ble Shri D. Surya Rao, Member (J))

1. The applicant herein is one of the candidates who appeared for the selection to the post of Skilled Artisan in response to the notification bearing Employment Notice No. 1/84, dated 18-4-1984, issued by the Deputy Chief Mechanical Engineer, Carriage Repair Workshop, Sattepalli, Tirupati i.e. Respondent no. 2 herein. He has filed this application seeking a direction to the respondents to appoint him to the post of 'Skilled Artisan' in the Carriage Repair Workshop at Sattepalli.

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2. The applicant states that he passed the Written Test conducted by the Respondents on 3-11-1985, that ^{oral} he was called for an/interview on 12-6-1986, ^{and} that he appeared for the interview before the Board and fared well to the satisfaction of the authorities. The applicant states that though he fulfilled the qualifications and other requirements, the respondents did not appoint him as Skilled Artisan. It is contended that he is entitled to preferential treatment on the ground that he has undergone a refresher training and obtained a Certificate in the trade of 'Turner' from the Don Bosco ITI, Cuddapah. It is alleged that the respondents have adopted some foul method in the process of selection. Hence, he filed this application.

3. On behalf of the respondents a counter has been filed stating that Selection for recruitment to the artisan posts was held by conducting written and viva-voce test and a merit list was drawn on the basis of marks secured by the candidates in each trade. The panel was formed for 44 posts of mechanists and allied trades among the candidates coming under open competition, strictly based on the merit. The applicant's name does not figure in the merit list of first 44 candidates empanelled. It is denied that there was any discrimination or arbitrariness in the matter of selection. In so far as the claim of the applicant that weightage should be given as he passed the short-term course offered to the ITI candidates, it is stated that no assurance was given by the Railway Administration that the candidates who have undergone such short term

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refresher course will be given weightage or preference. It is stated that about 350 candidates who have come out successful in the Written Test were called for interview, that ^{the} selection^s were conducted by properly constituted Selection Committee and that the selections were conducted properly and objectively. For these reasons the respondents oppose this application.

4. We have heard the learned counsel for the applicant and Shri N.R.Devaraj, Standing Counsel for the Department.

5. The learned counsel for the applicant draws our attention to employment Notice no.1/84, dated 18-4-1984 wherein applications were called for recruitment of Skilled Artisans. He draws our attention to clause 6 of the said notification/Notice wherein it is stated as follows:

"6. Act Apprentices who had undergone training in Railway Workshop/Establishments are not required to undergo further training, but are required to pass the standard Trade Test prescribed by Railway before final appointment".

On the basis of this Clause it is contended that the applicant should have been given preferential appointment. We are unable to agree with this contention. Clause 4 of the said Notice reads as follows:

"4. Mode of Selection: The selection will be based on the results of the written test and viva-voce and practical test. The selected candidates will have to undergo training and pass the standard Trade Test prescribed for Railways before final appointment. Failure in the Trade Test after completion of his training will render him for termination of service."

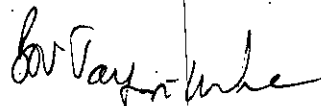
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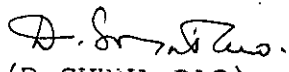
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From the counter it is clear that the applicant was not selected on the basis of the result of the Written and Viva voce test. It is thereupon contended that no practical test was conducted. No such averment was made in the application. This objection is raised for the first time in the course of the arguments. We hold that it is not open to the applicant to raise such objection in the arguments. For these reasons we find no merit in this application and it is accordingly dismissed. No costs.

(Dictated in open court)


(B.N. JAYASIMHA)
VICE CHAIRMAN


(D. SURYA RAO)
MEMBER (JUDL.)

DT. 6th March, 1990.  13/3/90
DEPUTY REGISTRAR (3)


SQH*

JQ:...

1. The Chief Project Manager, Carriage Repair workshop at Renigunta Administrative office, S.C. Railways, Rail Nilayam, Sec'bad.
2. Deputy Chief Mechanical Engineer, Carriage Repair workshop, S.C. Railway, Settepalli, Tirupati, Chittoor dist.
3. The Personnel officer, carriage repair workshop, Renigunta, S.C. Railway, Settepalli, Tirupati, Chittoor dist.
4. One copy to Mr. I. Venkatanarayana, Advocate, 3-6-369A/11, Himayatnagar, Hyderabad-500 029.
5. One copy to Mr. N.R. Devaraj, SC for Rlys., CAT, Hyderabad.
6. One spare copy.

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kj.

 13/3/90