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# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 34/89.  
T.A.No--

Date of Decision :

S.Seshagiri Rao.

Petitioner.

Shri S.Udayachala Rao.

Advocate for the  
petitioner (s)

Versus

Union of India represented by

Respondent.

Secretary (Establishment),  
Railway Board, New Delhi & 6 others.

Advocate for the  
Respondent (s)

Shri N.R.Devaraj,  
SC for Railways.

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Jud1).

THE HON'BLE MR. R.Balasubramanian : Member(Admn).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
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)

No

HJNM  
M(J)

HRBS  
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.34/89.

Date of Judgment 9-10-90

S.Seshagiri Rao

.. Applicant

Versus

1. Union of India  
represented by  
Secretary (Establishment),  
Railway Board,  
New Delhi.
2. The Chief Personnel Officer,  
S.C.Railway,  
Secunderabad-500371.
3. The General Manager,  
S.C.Railway,  
Secunderabad-500371.
4. A.Rajasudhakara Rao.
5. S.M.Basha.
6. S.K.Prasada Rao.
7. C.Venugopal.

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Counsel for the Applicant : Shri S.Udayachala Rao.

Advocate

Counsel for the Respondents : Shri N.R.Devaraj,  
SC for Railways.

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl).

Hon'ble Shri R.Balasubramanian : Member(Admn).

[ Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) ].

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This application has been filed by Shri S.Seshagiri

Rao under section 19 of the Administrative Tribunals

Act, 1985 against the Union of India represented by

Secretary (Establishment), Railway Board, New Delhi

and 6 others of whom Respondents 4 to 7 are private ones.

2. At the relevant time the applicant was working as adhoc Personnel Inspector Gr.III and was posted back as Head Clerk in March, 1988. The respondents called for volunteers to fill up one vacancy of Personnel Inspector Gr.III purely on adhoc basis vide their Note dated 19.11.86. The applicant was successful and he was posted to the Mechanical Section. While matters stood thus, the 2nd respondent issued notifications dated 15.5.87 and 10.8.87 calling for volunteers for regular selection for the post of Personnel Inspector Gr.III. 28 candidates including the applicant and respondents 4 to 7 were alerted. On being successful in the written test, the applicant, respondents 4 to 7 and 3 others were called for viva-voce test. In the final list of successful candidates the applicant was not included though he was the seniormost. Aggrieved at his non-selection the applicant alleges that the selection was not done properly. He also alleges that R4 particularly was given an opportunity to be in a section where he could easily <sup>win</sup> gain favours from the superiors. He also alleges that the other private respondents succeeded in getting through by virtue of their being active office-bearers <sup>of</sup> in service unions. He prays that the previous selection ~~done~~ be set aside and for direction to conduct the viva-voce test afresh apart from revising the marks allotted to the various tests.

3. The respondents contest the claim of the applicant. It is their contention that the selection committee was properly constituted and they had acted in accordance with the instructions on selection to the post. They have denied that the successful private respondents were shown any undue favour.

4. We have examined the case and heard the learned counsel Shri S.Udayachala Rao for the applicant and Shri N.R.Devaraj for the respondents. We have also called for the Railway records and examined the case. The main point before us is whether the selection committee was constituted properly and the tests had been conducted in accordance with the instructions on the subject. On an examination of the records we find that the selection committee was properly constituted. We find that the 3 members had independently evaluated the candidates who appeared in the viva-voce test covering <sup>aspects such as</sup> personality, address and leadership qualities. Separate marks were also awarded for record of service and seniority. It is seen from the summary of these that the applicant before us was not considered suitable because he failed to get 60% in the professional ability comprising of the written test as well as the viva-voce test. Since we find that the 3 independent members duly appointed to the selection committee had followed the procedure in accordance with the rules there is no case for us to interfere on the unsubstantiated ple

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made by the applicant. We also find that the marks allocated for various tests are not unreasonable. We therefore dismiss the application with no order as to costs.

*N.S'*  
( J.Narasimha Murthy )  
Member (Jud1).

*R.Balasubramanian*  
( R.Balasubramanian )  
Member (Admn).

Dated 9<sup>th</sup> October 90 *Devraju*  
Deputy Registrar (Jud1)

To

1. The Secretary (Establishment) Union of India, Railway Board, New Delhi.
2. The Chief Personnel Officer, S.C.Railway, Secunderabad - 371.
3. The General Manager, S.C.Railway, Secunderabad - 371.
4. One copy to Mr. S.Udayachala Rao, Advocate State Bank of India Officers' Colony, Plot No. 61 Musarambagn, Hyderabad - 36.
5. One copy to Mr. N.R.Devraj, SC for Rlys, CAT.Hyd.Bench.
6. One copy to Hon'ble Mr.J.Narasimha Murty, Member (Jud1) CAT.Hyd
7. One spare copy.
8. one copy to Hon'ble Mr.R.Balasubramanian, M.(A) C

*Final*

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CHECKED BY  
TYPED BY

APPROVED BY  
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.  
AND  
THE HON'BLE MR. D. SURYA RAO : M(J)  
AND  
THE HON'BLE MR. J. NARASIMHA MURTY : M(J)  
AND  
THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE : 22-9-10/90

ORDER / JUDGEMENT :

M.A. / R.A. / C.A. / No.

in

T.A. No.

W.P. No.

O.A. No.

36/89

Admitted and Interim directions  
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered / Rejected

No order as to costs DESPACHO

23 OCT 1990  
HYDERABAD BENCH.