

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 941/91.

Dt. of Order: 24-3-94.

Pratap Sheelan

....Applicant

Vs.

1. Sr.Divisional Personnel Officer,
Sec'bad (BG) SC Rlys,
Sec'bad.
2. Divisional Railway Manager, (BG),
Personnel Branch, Sec'bad.
3. B.Kondiah

....Respondents

Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

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OA.941/91

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri K. Sudhakara Reddy, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The social status of the applicant and R-3 is SC. Both of them were considered for promotion to the post of Chief Clerk from the post of Head Clerk. Both failed in the written test even as per the relaxed standard for SC Candidates. ~~Even them in view of extant rules, view of the relaxed standards~~ both of them were called for interview and though the applicant is senior to R-3 in the cadre of Head Clerk, the latter was promoted as Chief Clerk on adhoc basis, as per proceedings dated 21-5-1991. This OA was filed praying for quashing the order dated 21-5-1991 whereby R-3 was promoted on adhoc basis as Chief Clerk and to direct ~~to appoint~~ R-1 to promote the applicant to the post of Chief Clerk and to send him for Inservice Training.

3. It is stated for the respondents that as per Establishment Serial Circular No.160/74 Circular letter No.p(Res)171/ Policy/Vol.I dated 25-9-1974 vide annexure R-IV, if SC/ST candidates eligible for promotion on selection are more than the number of vacancies reserved for them, and if the SC/ST candidates have not reached the relaxed standard then the best amongst them i.e. who secured the highest marks should be earmarked for being placed on the panel to the extent of vacancies reserved for them and the names may be declared as provisional and thereafter they have to be promoted on adhoc basis and they are to be given six months training and classes have to be organised so as to ensure that they reach the

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requisite standard. Then special report had to be obtained with regard to their performance and if they come upto the requisite standard their names should be included in the panels as the R-3 got marks more than the marks obtained by the applicant, R-3 was earmarked for adhoc promotion.

4. The contentions for the applicant are that he worked as Chief Clerk from 1984 onwards on adhoc basis and the Railway Board by its letter dated 23-12-1976 lays down that while forming panels for promotion, employees who have been working on adhoc basis and satisfactorily should not be declared as unsuitable in the interview and the above instructions should be strictly complied with particularly in the case of SC/ST candidates and hence the applicant should have been preferred to R-3. It is further urged for the applicant that he received three Cash awards and he has to be considered as more meritorious than R-3.

5. The letter dated 23-12-1976 of the Railway Board is attracted only in case where the candidates passed in the written test, and as the applicant failed in the written test even as per relaxed standards, he cannot rely upon the above letter.

6. It is for the Selection Committee to assess the relative merit for the purpose of selection for promotion and it is not for the Tribunal/Court to assess the same. The applicant had not attributed any malafides to the Members of the Selection Committee. Hence, the marks allotted by them are not subject to review.

7. Annexure-R.4 Circular dated 25-9-1974 lays down that when SC/ST candidates fail at the written test, then the best amongst them ^{may have} to be declared provisionally for being earmarked for promotion on adhoc basis and for further

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training so as to enable them to reach the requisite standard. It also makes it clear that the best amongst such candidates has to be adjusted on the basis of the marks secured by those candidates. The seniority is not a factor for consideration for such provisional promotion. Thus, though the applicant is senior to R-3, still as the latter has got more marks than the marks obtained by the applicant, the selection of R-3 in preference to the applicant cannot be held as illegal (The respondents produced the relevant record disclosing the marks obtained by the applicant and R-3 in the relevant examination. After perusal the said record was returned).

8. Thus there are no merits in this OA and accordingly it is dismissed. No costs.

Amys
(A.B. Gorthi)
Member (Admn)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated : March 24, 1994
N Dicated in the Open Court

Amby
Dy. Registrar (Judl.)

Copy to:-

1. Sr. Divisional Personnel Officer, Sec'bad (BG) S.C.Rlys, Sec'bad.
2. Divisional Railway Manager, (BG), Personnel Branch, Sec'bad.
3. One copy to Sri. K. Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Ramana, SC Fer Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(AD)

AND

THE HON'BLE MR.TCCHANDRASEKAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 24/3/1994

ORDER/JUDGMENT

O.A/R.A./C.A./No.

O.A.No. 941/91

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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