

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.605/92.

Date of Judgement 16.9.92

V.Eswar Rao

.. Applicant

Vs.

1. Union of India,
Rep. by the
General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. Selection Board for selection
to the posts of Office Super-
intendents Grade-II in the
Office of Chief Operating
Superintendent (Power),
S.C.Rly., Secunderabad
Rep. by its Chairman,
Sri M.Chinna Dorai,
Sr. Divl. Mechanical Engineer
(Power), S.C.Rly., Hyderabad Divn.
4. Sri K.Mallikarjuna Rao,
Fuel Verification Inspector,
Office of Chief Operating
Superintendent, S.C.Rly.,
Secunderabad. .. Respondents

Counsel for the Applicant : Shri G.Ramachandra Rao

Counsel for the Respondents : Shri S.Rajeswara Rao for
Shri D.Gopala Rao, SC for Rlys.

CORAM:

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

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) X

This application has been filed by Shri V.Eswar Rao
against the Union Of India, Rep. by the General Manager, S.C.Rly.
Rail Nilayam, Secunderabad & 3 others including a private
respondent under section 19 of the Administrative Tribunals Act,
1985. The prayer herein is for a direction to the Respondents
1 to 3 to empanel the applicant at Serial No.2 for promotion
to the post of Office Superintendent Grade-II in the Office of

Chief Operating Superintendent of Transportation and Power

Branch with all consequential benefits.

2. At the relevant time, the applicant was working as Head Clerk awaiting promotion to the next higher grade of Office Superintendent Grade-II. This is a selection post in Grade 'C' category and has to be filled up by promoting the Head Clerks after passing written and viva-voce test. The applicant passed the written test and appeared for the viva-voce test also. However, in the final list prepared vide memo dt. 16.7.92 only two names are mentioned. He is aggrieved that Shri K. Mallikarjuna Rao, Respondent No.4 who is junior in the category of Head Clerks has been included in the panel omitting his name. It is alleged that the respondents had not followed the mandatory procedure prescribed under paras f, g and h of para 219 of Indian Railway Establishment Manual Vol.I.

3. The respondents have filed a counter affidavit opposing admission of the application. It is stated that the Selection Committee found the applicant not suitable for empanelment basing on his performance in viva-voce test. It is their case that seniority is not the only criterion for selection although some weightage is given to it in the form of marks allocated. It is stated that the Selection Committee has followed the procedure laid down in paras f, g and h of para 219 of Indian Railway Establishment Manual Vol.I as revised vide orders dt. 1.5.92. For the purpose of empanelment, a candidate should secure ~~not~~ less than 60% of marks under professional ability consisting of written and viva-voce. 35 marks are allotted for the written test and a candidate should secure at least 21 marks to become eligible for viva-voce. To be eligible, a candidate should get a total of 30 marks out of 50 marks in the professional ability. It is stated that while the 4th respondent secured this minimum mark the applicant did not. //

4. We have seen ^{Sub} paras f, g and h of para 219 of Indian Railway Establishment Manual Vol.I. The respondents had also produced

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a copy of the Railway Board letter No.E(NG) I/91/PMI/34 dt. 1.5.92. This letter of the Railway Board dt. 1.5.92 modified the procedure contained in their letter dt. 23.12.79. The mofification was only in respect of the procedure to be adopted by functioning of the Selection Board. The revised procedure was to restore the earlier practice of having a single evaluation sheet to be signed by all the Members of the Selection Board instead of separate marks assigned to each of the Members of the Selection Board. We have seen the Railway record and are satisfied that the revised procedure contained in the Railway Board letter dt. 1.5.92 has been followed by the Selection Board on 14.7.92. The applicant has not fulfilled the requirement and has, therefore, been omitted. We find that there is no scope for interference and we accordingly dismiss the application at the admission stage itself. No order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

Ansby
(C.J.Roy)
Member(J).

Dated: 16th September, 1992.

Deputy Registrar(Judl.)

Copy to:-

1. General Manager, S.C.Railway, Rail Nilayam, Union of India, Secunderabad.
2. Chief Personnel Officer, S.C.Railway, Rail Nilayam, Sec-bad
3. Sri. M.Chinna Dorai, Chairman, Selection Board for Selection to the posts of Office Supdt Grade-II in the office of Chief Operating-Superintendent (Power), S.C.Railway, Secunderabad. [Senior Divisional Mechanical Engineer, (Power) S.C.Railway, Hyderabad division.]
4. Sri. K.Mallikarjuna Rao, Fuel Verification Inspector, Office of the Chief Operating Superintendent, S.C.Railway, Sec-bad
5. One copy to Sri. G.Ramachandra Rao, advocate, CAT, Hyd.
6. One copy to Sri. D.Gopala Rao, SC for Railways, CAT, Hyd.
7. One spare copy.

Rsm/-

20/8/92
21/9/92

(7) O-A-605/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND,

THE HON'BLE MR. R. SALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 16/9/ 1992

ORDER / JUDGMENT

R.A./C.A./M.A. NO

O.A. No.

in
605/92

T.A. No.

(W.P. No _____)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Central Administrative Tribunal

HYDRAVAD BENCH

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

25 SEP 1992

HYDRAVAD BENCH

No orders as to costs.

pvm.

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g/194 ✓