

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA 1119/93.

Dt. of Order: 8-2-94.

M.A.Rasheed

...Applicant

1. The General Manager,
Rail Nilayam, SC Rlys,
Sec'bad.
2. Divisional Railway Manager,
Rail Nilayam, SC Rlys,
Sec'bad.

....Respondents

Counsel for the Applicant : Shri K.Venkat Reddy

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

....2.

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O.A.NO.1119/93

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

This OA was filed praying for a direction to the respondents to give posting orders to the applicant as Ticket Collector (TC) as he had been found fit and suitable for the post by ~~the~~ selecting authority and as he had completed the initial training and the practical training as a probationer TC.

2. The applicant joined service as Yard Khalasi and he is now working as Fitter. There is a provision for absorption of the surplus steam loco staff in the category of TCs, if they undergo training successfully and if they qualify in the examination to be held after completion of the training. As the applicant was found to be surplus in the steam loco cadre, he was given training for the post of TC. But he was not successful in the written examination that was held after completion of ^{the} training in all the three chances. In the last chance, he got one mark less than the minimum prescribed for the qualifying examination.

3. It is contended that as the applicant is already aged 53 years and as he failed only by getting one mark less, a direction may be given to the respondents either to appoint him as TC on compassionate grounds or to permit the applicant to appear again for the written test. We cannot grant either of the reliefs. It is one of policy to prescribe minimum qualifying marks. It is not for the court or the Tribunal to give direction to the concerned

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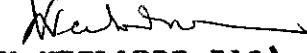
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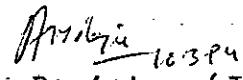
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authority to reduce the minimum marks prescribed. It is also for the concerned authorities to prescribe the number of chances for which an employee can be permitted to appear. Hence, the court or the Tribunal cannot give any direction even in regard to the same. As the applicant could not succeed in the written examination in all the three chances, the respondents were justified in not appointing him as TC. Hence this OA is dismissed at the admission stage. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 8th February, 1994.
Open court dictation.


Deputy Registrar (J)CC

vsn

To

1. The General Manager, Railwilayam, S.C.Rlys, Secunderabad.
2. The Divisional Railway Manager, Railnilayam, S.C.Rlys, Secunderabad.
3. One copy to Mr.K.venkat Reddy, Advocate, 7-20 Madhurapuri, Dilsukhnagar, Hyderabad.
4. One copy to Mr.V.Bhimanna, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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