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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.380/93

Date of Order: 5.11.1993

BETWEEN:

V.Nageswara Rao

.. Applicant

A N D

1. Union of India, rep. by  
the General Manager, S.E.Railway,  
Calcutta - 43.

2. The Divisional Railway Manager,

3. The Divisional Personnel Officer,  
S.E.Railway, Waltair.

.. Respondents.

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Counsel for the Applicant

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Counsel for the Respondents

... Mr.C.Venkata MallaReddy

CORAM:

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

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER(JUDL.)

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Order of the Division Bench delivered by  
Hon'ble Shri A.B.GORTHI, Member(Admn.).

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Aggrieved by his non-selection for promotion to the Group-C post of Ticket Collector, the applicant has filed this application praying for the cancellation of the selection proceedings and the panel that was prepared based on the selection.

2. The applicant joined the Railways as Diesel Khalasi in 1982. Having worked for about 8 years as a Diesel Khalasi Helper, he was transferred to the Commercial Department as a Porter. In the Commercial Department he served for another 2 years when he appeared for the selection test for promotion to the Class-III post of Ticket Collector. He qualified in the written test and according to his information he secured 79% marks. He was called for the interview which was held on 30.3.1993 and claims that he ~~did~~ performed well there at. Dispite <sup>all</sup> ~~of~~ that, he <sup>was</sup> surprised ~~that~~ his name did not appear. Learned counsel for the applicant assailed the selection proceedings firstly on the ground that the respondents did not calculate the number of vacancies correctly and in accordance with the ~~Establishment~~ Serial dated 20.4.88 the panel to be formed should be for the number required for the existing vacancies on the date of initiating the selection added with that of the anticipated vacancies for the next one year from that date, enhanced by

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10% for unforeseen contingencies. Refuting this contention Mr.C.Venkata Malla Reddy, Standing Counsel for the respondents has clarified, on instructions from the department, that the number of vacancies were calculated in accordance with the extant rules. Not only the existing vacancies were taken into consideration but also the anticipated vacancies. The respondents also took care to provide <sup>for</sup> 10% unforeseen vacancies also as required under the instructions. Consequently they <sup>assessed</sup> the number of vacancies as 11 (6-unreserved, 3-S.C., 2-S.T.).

3. The next contention raised on behalf of the applicant is that the applicant ~~was not~~ selection test and therefore he should have been selected in preference to the candidates whose names figured at serial number 5 and 6 in the panel of selected candidates. On this aspect the clarification given by the ~~department~~ in accordance with the relevant rules the selection test is a qualifying examination and thereafter in the preparation ~~of~~ of the panel of selected candidates, the names of the qualified candidates ~~are~~ seniority. On the question of seniority, learned counsel for the applicant strongly contended that the applicant having served the department for more than 10 years, his entire length of service should have <sup>been</sup> taken into consideration in reckoning his seniority for appointment to the Ticket Collector. In this context learned counsel for the respondents has drawn our attention to Annexure R-I to the counter affidavit which shows <sup>that</sup> the applicant gave his willingness ~~to~~ <sup>his</sup> transfer to a Group-D post in the Commercial Department. It was on this undertaking given by the applicant <sup>that</sup> he was transferred to commercial department vide memo dated 31.1.1991 which is at R-2 to the counter affidavit. The said memo clearly indicates that the

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applicant was transferred to the Commercial Department by assigning him bottom seniority in that department. In view of this factual situation, we cannot accept the contention of the applicant that he was senior to the persons whose names are shown at serial number 5 and 6 in the panel. The respondents further clarified that the individuals whose names appeared at serial number 5 and 6 in the select panel are senior to the applicant, they having come to the Commercial Department against

4. In view of the above factual matrix we do not find much merit in this application which is therefore dismissed. There shall be no order as to costs.

*T. Chandrasekhara Reddy*  
(T.CHANDRASEKHARA REDDY)  
Member(Judl.)

*A.B.Gorthi*  
(A.B.GORTHY)  
Member(Admn.)

(Dictated in Open Court)

*[Signature]*  
Deputy Registrar

To sd

1. The General Manager, Union of India, S.E.Rly, Calcutta-43.
2. The Divisional Railway Manager, S.E.Rly, Waltair.
3. The Divisional Personnel Officer, S.E.Rly, Waltair.
4. One copy to Mr.P.B.vijayakumar, Advocate, CAT.
5. One copy to Mr.C.venkatamalla Reddy, SC for
6. One copy to Library. CAT.Hvd.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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 (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 5 - 11 - 1993.

~~ORDER~~/JUDGMENT:

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

in

O.A.No. 380/93.

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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