

(55)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1101/93

DATE OF ORDER : 17-03-1997.

Between :-

Ch.Satyanarayana

... Applicant

And

1. Senior Divisional Personnel Officer,  
Office of the Divisional Railway Manager/MG,  
Personnel Branch, South Central Railway,  
IV Floor, Rail Nilayam, Sec'bad.

2. Chief Personnel Officer,  
Headquarters Office,  
Personnel Branch,  
South Central Railway,  
IV Floor, Rail Nilayam,  
Sec'bad.

3. Chief Personnel Officer IN-Charge,  
Head quarters office,  
S.C.Railway, Personnel Branch,  
IV Floor, Rail Nilayam, Lalaguda,  
Sec'bad.

4. The Principal,  
Railway Degree College,  
Tarnaka,  
Sec'bad.

... Respondents

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Counsel for the Applicant : Shri K.R.Srinivas

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

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CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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None for the applicant. Shri V.Bhimanna, learned standing counsel for the respondents. As this O.A. was instituted in the year 1993, the O.A. cannot be adjourned. In view of the above, the O.A. is disposed of under Rule-15 (1) of the CAT (Procedure) Rules, 1985.

2. The applicant was appointed as a Trained Graduate Teacher (herein after referred to as TGT for short) in the scale of Rs.1400-2600 in the Railway Girls High School, North Lalaguda with effect from 13-6-88. A notification was issued for filling up the post of Junior Lecturer/Post Graduate Teacher by holding a selection in the pay scale of Rs.1640-2900. It was indicated in the notification that the selection is by viva-voce only. The applicant being a Mathematics Postgraduate was considered for filling up the posts of Junior Lecturer/PGTs in the discipline of Mathematics. There were two posts of Junior Lecturer of mathematics to be filled through selection. Hence TGT (Maths) were called for the Viva-voce. <sup>name of the</sup> The applicant did not find a place in the select list for the above post. The applicant submits that he being second in the seniority list among the candidates who called for the viva-voce test, he should have been selected instead of one Sri A.Srihari, who <sup>MSA</sup> was 4th in the seniority list, ~~was cancelled~~ by the impugned order No.C.P.594/S.E.L./II/V/II dt.8-7-93 (page-14 of the OA). The applicant further submits that the selection should have been conducted

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through a process of written test and viva-voce. Conducting only viva-voce ~~in~~ in the selection is irregular and hence the selection is liable to be set aside.

3. This OA is filed praying for a direction to the respondents to quash the impugned letter No.C.P.594/S.E.L./II/V/II dt.8-7-93 whereby Sri A.Srihari was posted as a Junior Lecturer/PGT and for a further direction to the respondents to include his name for the post of Junior Lecturer.

4. An interim order has been passed on 17-9-93 wherein it is directed that any promotion going to be made on the basis of the impugned selection list, the same will be subject to the result of the O.A. only with respect to the Mathematics Discipline.

5. A reply has been filed in this O.A. The main contention of the respondents are as follows :-

(i)The applicant did not qualify himself in the selection. Hence he cannot claim <sup>for</sup> posting as Junior Lecturer/PGT;

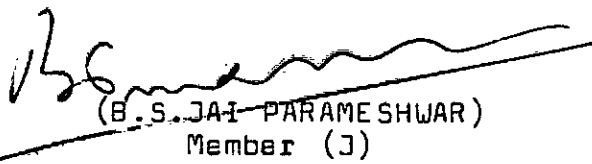
(ii)The applicant did not ~~protested~~ for conducting only viva-voce before appearing for the selection. Having subjected himself to the selection, which was conducted through a process of viva-voce, he cannot challenge the same after the event is over.


6. On the <sup>above</sup> two counts the respondents state that the O.A. has no merits and has to be dismissed. The applicant has not produced any ~~material~~ material to show that he did qualify in the examination. There is no reason to dis-believe <sup>the</sup> version

of the respondents that the applicant has not qualified himself in the viva-voce. The applicant has not also <sup>attributed</sup> ~~submitted~~ any motives to the selection committee in failing him. Hence it has to be held that the applicant cannot be considered for posting as Junior Lecturer/PGT if he is not qualified in

7. The mode of selection can be written or viva-voce or both. The IREM provides for selection <sup>as</sup> by means of viva-voce <sup>in</sup> ~~only~~ <sup>in</sup> para-251 of IREM. The applicant cannot <sup>insist</sup> ~~claim~~ to hold written test also. If the applicant had any reservation in regard to <sup>the</sup> mode of selection, he should have objected before appearing for the selection. <sup>or selection</sup> ~~At least~~ he should have appeared for the selection protesting the mode <sup>of</sup> ~~of~~. The applicant did not take any action as indicated above. Hence, the respondents submit that the applicant having subjected himself to the selection without murmur, ~~he~~ cannot challenge the same <sup>or this</sup> ~~stage~~.

8. In view of what is stated above, we are satisfied that there is no reason to set aside the selection so far the selection to the post of Junior Lecturer/PGTs in the Mathematics discipline is concerned. Hence the application is dismissed as having no merits. No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

Dated: 17th March, 1997.  
Dictated in Open Court.

28/4/97

(8)

TYPED BY  
COMPALED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARMESHWAR:  
M(J)

DATED:

17/3/97

ORDER/JUDGEMENT

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

O.A.NO. 1107/93 in

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

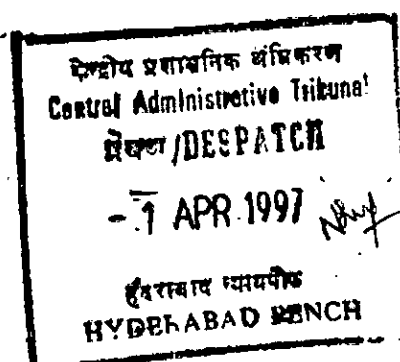
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT.

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