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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 861/94.

Dt. of Decision : 12-9-94.

G. Mysaiah

.. Applicant.

Vs

1. The General Manager, SC Rly, Rail Nilayam, Secunderabad.
2. The Chief Engineer (Open Line), SC Rly, 5th Floor, Rail Nilayam, Secunderabad.
3. The Sr. Divl. Engineer, BG/SC, SC Rly, Sec'bad Division, Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. V. Durga Prasad Rao

Counsel for the Respondents : Mr. J.R. Gopala Rao, SC for Rlys.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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O.A.No.861/94

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O R D E R

[As per the Hon'ble Sri A.V. Haridasan, Member (J)]

The grievance of the applicant who is working as Chief Inspector of Works under the respondents is, that though he has been appearing for selection to the post of Assistant Engineer from 1986 onwards he has not been selected, while as many as 150 of his juniors have been selected and promoted; some of whom have even been promoted to the posts of Dy. Chief Engineers. His particular grievance is that ^{was} he not called for viva-voce in the selection in the year 1992. It is alleged that finding that he was not called for viva-voce he made an appeal on 23-12-93 putting forth his grievance and requested the railway administration to consider his case for promotion. Since his request has not been ^{to} acceded the applicant has filed this application praying that it may be declared that the applicant having secured the eligible marks for selection to the post of Assistant Engineer he is deemed to have been selected for the post of Asst. Engineer held in April/May, 1992 that the action of the respondents in not selecting him inspite of securing the eligible marks in the Written Test during 1992 is unconstitutional and against the principles of natural justice and that the applicant is entitled to all consequential benefits to which he would have been entitled ^{he} had been selected to the post of Asst. Engineer. The applicant has not stated in the application what marks he secured in the examina-

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tion though he has stated that he had done exceedingly well.


2. When the application came up for hearing today we have heard Sri V. Durga Prasad Rao, learned counsel for the applicant and Sri J.R. Gopal Rao, learned counsel for the respondents. It is a fact that the post of Asst. Engineer is a selection post for which appointments are made on the basis of merit in the selection process which consist of Written Test and viva-voce. Continuously from 1986 onwards the applicant has been appearing whenever the tests were held without success. In the year 1982 also he appeared for the Written Test but was not called for viva-voce, obviously for the reasons, according to the Department that he did not get the qualifying marks to be called for viva-voce. No allegation of malafides against the Selection Committee or any Member thereof has been made. It has not been stated as to any of the Members of the Selection Board has any specific reason to exclude him from the selection and to promote persons junior to him.


3. The case of the applicant that he had done exceedingly well in the written test held in the year 1992 can be taken only as a ^{wishful} thinking on the basis of a self assessment which cannot be given any weight at all so long as there is no specific allegation of malafides or unfairness in the matter in which the examination was held. We are of the considered view that the situation does not call for any interference by this Tribunal. Hence on a careful consideration of the facts alleged in the

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application and of the materials on record, we do not find any case for the applicant deserving further deliberation.

4. In the result, the application is rejected U/s 19(3) of the A.T. Act leaving the parties to bear their own costs.


(A.B. Gonthi)
Member (A)


(A.V. Haridasan)
Member (J)

Dt. 12-9-1994
Open Court Dictation

kmv


Deputy Registrar(Judl.)

Copy to:-

1. The General Manager, South Central Railway, Union of India, Rail Nilayam, Secunderabad.
2. The Chief Engineer(Open Line), South Central Railway, 5th Floor, Rail Nilayam, Secunderabad.
3. The Sr. Divisional Engineer, BG/SC, South Central Railway, Secunderabad Division, Sanchalan Bhavan, Secunderabad.
4. One copy to Sri. V.Durga Prasad Rao, advocate, CAT, Hyd.
5. One copy to Sri. J.R.Gopala Rao, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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4th page
for 22/9/94.

OA-861/94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HRIDASAN : MEMBER(J)

AND

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

Dated: 12/9/94

ORDER/JUDGMENT.

M.S./R.P/C.P/No.

O.A.NO.

861/94

T.A.NO.

(W.P.NO.)

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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