

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

OA.1365/95.

Date of order:28-12-95.

Between:-

Dr.K.Jalaiah ... Applicant.

And

1. Government of India rep. by its Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
2. The Chairman, Railway Board, Rail Bhavan, New Delhi.
3. The General Manager, South Central Railway, Secunderabad.
4. The Chief Personnel Officer, South Central Railway, Secunderabad.
5. Dr. Mohd. Nazeer Ahmen, Surgeon, Railways, Hospital, Lalaguda, Secunderabad.

... Respondents.

Counsel for the Applicant: Mr. V. Viswanatham, Advocate.

Counsel for the Respondents: Mr. D. F. Paul, SC for Rlys.

CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER ADMINISTRATIVE.

8A.1365/95

Judgement

(As per Hon. Mr. R. Rangarajan, Member (Admn))

Heard Sri V. Viswanatham, learned counsel for the applicant and Sri D.F. Paul, learned counsel for the respondents.

2. This OA is filed praying for a declaration that in not placing the applicant in the empanelment order for selection grade posts bearing No. E (D) -95/PM/69 dated 13.10.95, issued by R-2 is illegal, arbitrary and unjust and for consequential direction to R-1 and R-2 to place the applicant in the selection grade list immediately after Mr. M. Anjanappa, who is at Sl. No. 35.

3. The facts which give raise to this OA are as follows :

The applicant joined as Assistant Divisional Medical Officer on 7-2-1973 in the Indian Railway Medical Service (IRMS). He was further promoted as Divisional Medical Officer in February, 1988 and as Medical Superintendent in March, 1989.

There is a Selection Grade in IRMS Cadre for those who completed 15 years of Class-I service in the Indian Railway Medical Service. The placement in the Selection grade is on the basis of seniority cum suitability. The seniority is adjudged by assessing the confidential reports for the last five years and also on the basis of other relevant records in this connection. The norms fixed for placement in the Selection grade is that a Medical Officer with requisite number of years of Class-I service has to get atleast two very good gradings in the last five years preceding the date of meeting of the

DPC for considering him fit for placement in the Selection grade. Hence, the whole case revolves round perusing the DPC Selection which rejected the case of the applicant for placement in the Selection grade. Hence, we called for the Selection proceedings and perused the same (the records were perused and returned back in the sealed cover).

4. In the DPC which met on 30-3-1995, 88 doctors of the IRMS cadre of Indian Railways including the applicant was considered. Out of those 88 doctors considered 65 officers of IRMS cadre were empanelled for selection grade, 16 were not selected and three of the doctors' name were kept in sealed cover. The applicant is one of the doctors who was not selected by the DPC as he has not fulfilled the requisite condition of eligibility on the basis of the norms prescribed. The DPC proceedings do not reveal any irregularity in not selecting the applicant for Selection grade. The applicant also has not attributed any malafides towards the Members of the DPC. The DPC consists of Members of Railway Board and very senior officers of the Railway and hence their wisdom in not selecting the applicant cannot be questioned. This is in consonance with the Apex Court judgement reported in 1992(2) ATR 563 (National Institute of Mental Health and Neuro Sciences Vs. Dr. K. Kalyana Raman & ors).

5. In view of what is stated above, we see no merit in this application. Hence this application is liable only to be dismissed. Accordingly we dismiss the same at the admission stage itself. No costs.

(R. Rangarajan)
Member (Admn.)

(V. Neeladri Rao)
Vice Chairman

Dt. December 28, 95
Dictated in Open Court

sk

Amrit
28/12/95
S. Rego (S)