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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

D.A.No.1232 OF 1996.

DATE OF ORDER:23-9-1998.

Between:

1. G.Lakshminarayana.
2. Shaik Sardar. Applicants

and

1. The Union of India, rep. by its General Manager, S.C.Railway, Rail Nilayam, Secunderabad.
2. The Divisional Personnel Officer, South Central Railway, Guntakal.
3. The Senior Divisional Personnel Officer, South Central Railway, Guntakal.
4. D.V.Subramanyam, Working as Sr.TTE, S.C.Railway, Guntakal.
5. D.Ramesh Rathna Paul, Working as Sr.TTE, S.C.Railway, Guntakal.
6. P.Baba Guru Prasad, Working as Sr. TTE, S.C.Railway Guntakal.
7. Ashok Madan, Working as Sr.TTE, S.C.Railway, Guntakal.
8. G.Suleman Saheb, Working as Sr.TTE, S.C.Railway, Guntakal.

.. Respondents

COUNSEL FOR THE APPLICANTS :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS :: Mr.K.Siva Reddy

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: ORDER :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.S.Ramakrishna Rao for the Applicants and Mr.K.Siva Reddy for the Official Respondents. Notice has been served on Respondents 5, 6, 7 and 8. Called absent. Notice returned unserved on Respondent No.4.

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2. There are two applicants in this OA. They were not selected for the post of HTTE. Hence, they have filed this OA praying for a direction to the Respondents 2 and 3 to get the revaluation of the answer papers of the applicants by an independent agency for ascertaining their eligibility duly declaring the action of the Respondents in eliminating the names of the applicants for Viva-voce test as arbitrary, unwarranted, illegal and for a consequential direction to the respondents to select the applicants for the post of HTC/HTTE in the scale of pay of Rs.1400-2300/- by calling them for Viva-voce basing on their seniority with all attendant benefits.

3. The applicants were called for the selection to the post of HTC/HTTE as can be seen from the Memorandum No.G/P.608/II/HTC/HTTE/Vol.II, dated:14-2-1996 (Annexure A-I to the OA). The syllabus for the selection was Written Examination and Viva-voce. The applicants ~~had~~ ^{were} appeared for the Written Test but they were not called for Viva-Voce as they ^{were} reported to have failed in the Written examination ^{on} various grounds the selection is assailed in the OA.

4. The first contention of the applicants in this OA is that the questions ^{were} asked for is different from that of questions asked in the previous examination. As per the standing instructions, Objective type to be questions to the extent of 50% was/asked and the 50% ^{could} _{can} be asked on a detailed essay type. No objective

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type questions were asked for and essay writing in examination was introduced thereby denying the promotion opportunity to the applicants.

5. The applicants had not quoted any rule or instructions to show that the question paper should contain ~~50%~~ 50% ^{in HTC/HTTE examination} objective type ^{though they states} so in the OA. The respondents have filed Annexure-I details contained in S.C.No.163/86 which gives the guidelines for setting question paper for written test. As per the guidelines referred to above, the Objective type questions should be set for about 50% of total marks for promotion to the highest grade selection post in a category. In the category of Ticket Checking Staff, the highest grade is Rs.1600-2660/-. The present selection is for the grade of Rs.1400-2300. Hence, the learned Counsel for the Respondents submits that there is no guidelines to set objective type questions for the post of HTC/HTTE, which is not the highest grade selection post in the category of Ticket Collectors.

6. We see force in this argument. if no objective ^{and} type questions is asked for, it cannot be said that the selection is vitiated. Further it is not necessary for the departmental authorities to set question paper which ^{in turn} ~~is required~~ essay writing. Even if the essay questions are not asked for in the previous selection, the respondents have ^{now} asked questions as they deem fit for the selection. Hence the type of questions asked for in the selection cannot be challenged. Further the applicants submit that the questions asked for were on Disaster Management and Service Improvement Group which are not

in the syllabus. However, a perusal of the syllabus of the syllabus enclosed to the notification indirectly indicates that the questions on action to be taken by the Ticket Checking Staff in case of disaster like, theft, alarm chain pulling and accidents ^{are} ~~is~~ included in the syllabus. Passenger amenities details has to be supervised by the applicants being a Ticket Collectors. The respondents, who set the question paper need not have used the word "Disaster Management" and "Service Improvement Group" as if they want to ^{exhibit} ~~show~~ themselves as having high proficiency in the language. We would advise the respondents to be careful so that the lower category staff will be able to understand the full meaning of questions without ^{any} difficulty. But usage of such ^{phrases} ~~language~~ cannot ^{be} ~~be~~ said to be irregular in such a selection. We only advise the respondents to be more careful in future while setting the question paper.

7. The applicants submit that their duty list is more or less similar to the duty list of HTC Collectors. Hence, denial of promotion to them is irregular. We would fully appreciate the above submission of the applicants if they accept the payment as in the grade of Senior Ticket Collectors ^{promoted}, even if they are ~~graded~~ as HTC/HTTE. The applicants will no doubt disagree with that ~~with~~ view as their pay benefits will be reduced when they aspire for high earnings. ^{In this view} ~~they should~~ also be ready to face the selection for promotion to the higher ^{grade}. Hence, the contention is rejected. In a selection, seniority is not a ground. ^{main} Merit is an important part. Hence, mere seniority of the applicants will not entitle ~~them~~.

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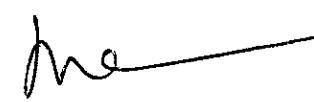
them to get promotion as HTC/HTTE if they have not passed the examination.

8. In view of what is stated above, we find no merit in this OA, hence the OA is dismissed.

No costs.


(B.S. JAI PARAMESHWAR)

23.9.98
MEMBER (JUDL)


(R.RANGARAJAN)

MEMBER (ADMN)

Dated: this the 23rd day of September, 1998

Dictated to steno in the Open Court

DSN

Amma
D R Rajeswari

Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Personnel Officer, South Central Railway, Guntakal.
3. The Senior Divisional Personnel Officer, South Central Railway, Guntakal.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, AT, Hyderabad.
5. One copy to Mr. K. Siva Reddy, Addl. CGSC, AT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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26/10/98
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II COURT

TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 23/8/88

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in
C.A.NO. 1232 R6

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED Dismissed

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

