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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.639 OF 1996.

DATE OF ORDER:25-11-1998.

Between:

1. Mohan Lal Sandu.
2. Bhujang Anna.
3. Anna Pandu.

.. Applicants

a n d

1. Divisional Railway Manager,
South Central Railway, M.G.
(Hyderabad) Division, Secunderabad.
2. Senior Divisional Personnel Officer,
M.G.(Hyderabad) Division, South Central
Railway, Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS :: Mr.S.Lakshma Reddy

COUNSEL FOR THE RESPONDENTS :: Mr.C.V.Malla Reddy

CORAM:

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

A N D

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

: O R D E R :

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

Heard Ms.Laxmi for Mr.S.Lakshma Reddy, learned
Counsel for the Applicant and Mr.C.V.Malla Reddy, learned
Standing Counsel for the Respondents.

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2. There are three applicants in this OA. The applicant no.1 is working as Senior Cabinman, applicant no.2 is working as Pointsman'A' and applicant no.3 is also working as Pointsman'A' in South Central Railway. The applicants themselves admit that they are non-matriculantes. A notification was issued for filling up the post of Goods Guard numbering 38. Out of the 38, 36 vacancies are to be filled by OC and two by ST candidates. The post of Goods Guard is a non-selection post. But it is stated in Letter No.YP/673/P.11/Guards/Pt.V/MG, dated:22-12-1995(Annexure.A-III, page.12 to the OA) that the non-matriculate volunteers of operating and commercial department are to be directed to appear for a simple literacy and numeracy test, which ^{was} ~~is~~ fixed on 4-1-1996. The three applicants belonging to the operating branch appeared for the test. In the list issued bearing No.YP/673/P.11/Guards/Pt.V/HYB, dated: 29-2-1996, the names of the applicants ^{were} ~~was~~ not included. It ~~was~~ issued after conduct of the literacy test on 4-1-1996.

3. This OA is filed to set aside the list dated: 29-2-1996 (Annexure.I, page.8 to the OA) as arbitrary and illegal, and for a consequential direction to the respondents to consider the applicants for promotion to the post of Goods Guard in accordance with the rules with all consequential benefits.

4. An initial reply has been filed in this OA on 19-8-1996. This reply is very general and it only

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states that the post of Goods Guard is a non-selection post. Those posts are to be filled by calling for volunteers. Those who volunteered, who are non-matriculantes, should undergo a literacy test as they have not undergone such literacy test earlier and the selection will be done by scrutinising the records of those who are found fit, after the scrutiny of the records, they will be empanelled for the post of Goods Guard. The literacy test for the non-matriculantes was conducted on 4-1-1996 and those who were successful in the literacy test were informed by letter No.YP/673/P.11/Guards/Pt.V/HYB, dated:29-2-1996(Annexure.I). In that list the names of the applicants were not included. The list dated:29-2-1996 is not a final list, but final list for the ^{adventive} ~~adverse~~ vacancy, will be done after the scrutiny of the service records. As the applicants had failed in the literacy test, they were not considered for empanelment for the post of Goods Guard.

5. An another additional reply has been filed dated: 28-7-1998 indicating the results of the literacy test. It is stated in the additional reply that in the literacy and numeracy test held on 4-1-1996, the three applicants had appeared for the selection. They secured 20, 19 and 18 marks respectively as against the qualifying marks fixed as 60%. Hence, all the applicants failed in the literacy test. Since they have failed in the literacy test, their cases were not considered for the empanelment for the post of Goods Guard.

6. The applicants have not stated anything in regard to their competence for passing the literacy test. The

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very fact that they could not obtain 60% of the marks shows that they are not eligible for consideration for the post of Goods Guard. Goods Guard being a Group 'C' post ~~and~~ ^{enclaved} those posts are ~~with~~ the duties of writing down the various happenings during the running of the Train. Those who are not literate enough cannot be posted as Goods Guard. Hence, the rejection of their cases as they do not possess adequate literacy and numeracy capabilities. They were rightly disqualified for consideration for the post of Goods Guard. There appears to be no irregularity in rejecting their cases.

Cannot be questioned

7. In view of what is stated above, we find no merits in this DA. Hence, the DA is dismissed.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
25.11.88


(R. RANGARAJAN)
MEMBER (ADMN)

Dated: this the 25th day of November, 1998
Dictated to steno in the Open Court

DSN


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Copy to:

1. The Divisional Railway Manager, South Central Railway, (M.G), Hyderabad Division, Secunderabad.
2. Senior Divisional Personnel Officer, M.G, (Hyderabad) Division, South Central Railway, Secunderabad.
3. One copy to Mr. S. Lakshma Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr. C.V. Malla Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One copy for duplicate.

YLKR

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8/12/98

II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 25/11/88

ORDER/JUDGMENT

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

in
G.A.NO. 639/86

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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