

FORM NO. 21.

(Sec. Rule)114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A. No.

1231

1997

Ch. J. Naidu.

Applicants.

Versus

G. M. S. S. Chy. Calcutta 4-7-99

Respondent (s)

INDEX SHEET

S	Sl.No.	Description of documents & Date	Pages.
	1.	Docket orders.	153
	2.	Interim Orders.	
	3.	Orders In M.A. (s)	36 to 41
	4.	Reply Statements. 7-4-99.	
	5.	Rejoinder.	
	6.	Orders in (final Orders) 8-7-99.	42 to 44 to 52

Signature of dealing Head
in Record Section.

Signature of S.O.

09.12.31/92

26/4/99.

The Registry is Very Careless in listing and implicating the name of the ^{Counsel for the} Applicant in the O.A. The Carelessness should be suitably awarded by the Registry. The award granted to the person who has listed the name Y. Subrahmanyam instead of C. Suryanarayana should be put-up to me for information.

Correct the name of the Counsel for the Applicant and list it on 3/6/99.

Explained to
HM (A1) in
person.

3/6/99.

3/6/99

7.6.99

HRSSP
ms)

HRN
ms)

HR

list it on 7/6/99.

HRSSP
R O,

HRN
R (A)

17.6.99

HRSSP
ms)

HRN
ms)

OA: 1221/92

2/6/99

none for the Applicant
list for orders on 7/7/99.

Dr
HBSJP
m(s)

Dr
HBSJP
m(s)

Dr

8-7-99

OA dismissed,
Order side separate
sheets, no costs.

Dr
HBSJP
m(s)

Dr
HBSJP
m(s)

OA 1231/97

DATE

OFFICE NOTE

ORDER OF THE TRIBUNAL

5/2/99

Let on 10/2/99.

R
HBSP
m(s)

HRN
m(s)

2/3-2-99.

None for the applicant. Heard Mr. V. Bhimanna for the respondents.

Let this OA for orders on 4/3/99. If no reply is filed by then it may be necessary to issue notice to R-2 for explaining the case.

R
HBSP
m(s)

1
HRN
m(s)

4-3-99

Post it on 11-3-99

Barley
R

HBSP
H(s)

HRN
m(s)

19/3/99.

At the request of the respondents' counsel, let on 22/3/99. No further comment will be given.

HBSP
m(s)

HRN
m(s)

2
4/99.
HRN
m(s)

OA 1231/97

ORDER OF THE TRIBUNAL

DATE

OFFICE NOTE

22/3/99

list it on 6/4/99 at
request of the respondent counsel.
No further adjournment will be
given.

R
HBSTP
MCD

D
HRRN
MCD

6-4-99

List this OA on 9/4/99.
No further adjournment will
be given.

R
HBSTP
MCD

D
HRRN
MCD

9/4/99

list it on 21/4/99

R
HBSTP
MCD

23-4

none
List for
on Mon

R
HBSTP
MCD

gss

21/4/99
22/4/99
23/4/99

Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C.A. No. 1231 of 1997.

Ch. Janardhana Naidu Applicant(s).

VERSUS.

The General Manager, Secy, Calcutta & 7th

(Respondents).

Date	Office Note.	ORDER
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18-9-97

Heard Sri Y. Subrahmanyam for the applicant and Sri V. Bhramanna for the respondents.

2. Admit.

Admit/Notice

on
22/9/97

Issued
8/10/97

HRS SP
M(3)

HANU
M(A)

17/3/98

Before Dy. Regr.

Notice served on R-6, R-6 and R-8. The notice sent to R-7 has been returned un-served with an endorsement of the Postal Authority which is as follows:-

"The addressee not claimed. Article returned to the sender."

In view of the said endorsement R-7 is also deemed to have been served under CAT Rules of Practice. Therefore, it is certified that the service is complete in all respects in this case. There is no representation from the Respondents. Sd/- Secy. Calcutta 21/4/98 for memo and reply.

Dy. Regr.

OA 1231/97

Date	Office Note	Orders.
21-4-98	None present Call on 9-6-98 for memo and reply. D.R.	
16/6/98	None Present. Call on 21/7/98 for memo & reply. Dy. Negr.	
21-7-98	None Present. Call on 25-8-98 for memo & reply. D.R.	
1-9-98	None Present Call on 6-10-98 for memo & reply. D.R.	
27-10-98	None present. Include it in the ready list of 1997. D.R.	

6.1.99
Post this O.A. on 2.6.99. No
further adjournments.

HBSTP
M (1)

BRAN
M (1)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDER

ORIGINAL APPLICATION NO. 1231 OF 1997.

Ch. Jawaharling Naidu

(Applicants(s))

VERSUS.

Union of India, Repd. by.

General Manager, S.R. Railway,

Calcutta - 43 & 7 m

Respondent(s).

The application has been submitted to the Tribunal by
Shri Y. Subramanyam Advocate/party-in-
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on -----

①
Scrutiny Asst.

Ambr
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested *Yes* and been filed.
12. Has the applicant exhausted all available remedies. *Yes*
13. Has the Index of documents been filed and pagination *Yes* done properly.
14. Has the declaration as required by item No. 7 of *Yes* form been made.
15. Have required number of envelopes (file size) bearing *Yes* full addresses of the respondents been filed.
16. (a) Whether the relief sought for, arise out of *Yes* single cause of action.
(b) Whether any interim relief is prayed for, *—*
(c) In case an MA for condonation of delay is filed, *—* is it supported by an affidavit of the applicant.
18. Whether this cause be heard by single Bench. *No*
19. Any other points. *—*
20. Result of the Scrutiny with initial of the scrutiny clerk *may be reviewed at*

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Sl. No. 2974/97

Report in the Scrutiny of Application.

Presented by Sh. Y. Subrahmanyam, A/cy Date of Presentation.

Applicant(s) Sh. Janardhana Naik 15/9/97

Respondent(s) General Manager, SE of Calcutta 43879

Nature or grievance Appointment

No. of Applicants 1 No. of Respondents 8

CLASSIFICATION.

Subject Appointment (No. 15) Department Railways (No. 33)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). Y
2. Whether name description and address of all the parties been furnished in the cause title. Y
3. (a) Has the application been fully signed and verified. Y
(b) Has the copies been duly signed. Y
(c) Have sufficient number of copies of the application been filed. Y
4. Whether all the necessary parties are impleaded. Y
5. Whether English translation of documents in a language other than English or Hindi been filed. Y
6. Is the application on time, (See Section 21). Y
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Y
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Y
9. Is the application accompanied IPO/DD, for Rs. 50/- Y
10. Has the impugned orders original, duly attested legible copy been filed. Y

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

I N D E X

O.A.NO. 1231 of 1997.

CAUSE TITLE Ch. J. Naidu

V E R S U S

In G.M. SER, Calcutta & 7 others

SL.NO.	Description of Documents	Page No.
1.	Original Application	1 to 8
2.	Material Papers	9 to 28
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spere Copies & (Eight)	
6.	Covers & A	

7. Repts Statement - H.O.B. Mr. V. Bhaskaranna on 7/4/98

71

05 02-01-82

04

УББТТСВЛ

7-90	Date	Blocked in accordance with description of	Block - No. pages
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TURKEY

VBSTICVLION SUBMITTED UNDER PROVISION 18 OF LAW 1.1 VOL 1992

SECRET

LONGER COLLEGE 2010-2011

81. OLTHOFF, J. T. ALICE. DO NOT KNOW TO SPOYDING

807484 47-7431-1

LYCING COLLEGE

1) 2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2

O.E. DISTANCE WORK

J.J.C.B. COLLECTOR 741 10-8-1960

7-11 P.M. - 8-9 P.M.

2017-08-01 14:00:00

LICENSING COLLECTOR

2) ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

2000-01-01

ALBERT COTTRELL JR. NEW BRITAIN

*) 211 224 234 244 254 264 274 284 294 304 314 324 334 344 354 364 374 384 394 404 414 424 434 444 454 464 474 484 494 504 514 524 534 544 554 564 574 584 594 604 614 624 634 644 654 664 674 684 694 704 714 724 734 744 754 764 774 784 794 804 814 824 834 844 854 864 874 884 894 904 914 924 934 944 954 964 974 984 994 1004 1014 1024 1034 1044 1054 1064 1074 1084 1094 1104 1114 1124 1134 1144 1154 1164 1174 1184 1194 1204 1214 1224 1234 1244 1254 1264 1274 1284 1294 1304 1314 1324 1334 1344 1354 1364 1374 1384 1394 1404 1414 1424 1434 1444 1454 1464 1474 1484 1494 1504 1514 1524 1534 1544 1554 1564 1574 1584 1594 1604 1614 1624 1634 1644 1654 1664 1674 1684 1694 1704 1714 1724 1734 1744 1754 1764 1774 1784 1794 1804 1814 1824 1834 1844 1854 1864 1874 1884 1894 1904 1914 1924 1934 1944 1954 1964 1974 1984 1994 2004 2014 2024 2034 2044 2054 2064 2074 2084 2094 2104 2114 2124 2134 2144 2154 2164 2174 2184 2194 2204 2214 2224 2234 2244 2254 2264 2274 2284 2294 2304 2314 2324 2334 2344 2354 2364 2374 2384 2394 2404 2414 2424 2434 2444 2454 2464 2474 2484 2494 2504 2514 2524 2534 2544 2554 2564 2574 2584 2594 2604 2614 2624 2634 2644 2654 2664 2674 2684 2694 2704 2714 2724 2734 2744 2754 2764 2774 2784 2794 2804 2814 2824 2834 2844 2854 2864 2874 2884 2894 2904 2914 2924 2934 2944 2954 2964 2974 2984 2994 3004 3014 3024 3034 3044 3054 3064 3074 3084 3094 3104 3114 3124 3134 3144 3154 3164 3174 3184 3194 3204 3214 3224 3234 3244 3254 3264 3274 3284 3294 3304 3314 3324 3334 3344 3354 3364 3374 3384 3394 3404 3414 3424 3434 3444 3454 3464 3474 3484 3494 3504 3514 3524 3534 3544 3554 3564 3574 3584 3594 3604 3614 3624 3634 3644 3654 3664 3674 3684 3694 3704 3714 3724 3734 3744 3754 3764 3774 3784 3794 3804 3814 3824 3834 3844 3854 3864 3874 3884 3894 3904 3914 3924 3934 3944 3954 3964 3974 3984 3994 4004 4014 4024 4034 4044 4054 4064 4074 4084 4094 4104 4114 4124 4134 4144 4154 4164 4174 4184 4194 4204 4214 4224 4234 4244 4254 4264 4274 4284 4294 4304 4314 4324 4334 4344 4354 4364 4374 4384 4394 4404 4414 4424 4434 4444 4454 4464 4474 4484 4494 4504 4514 4524 4534 4544 4554 4564 4574 4584 4594 4604 4614 4624 4634 4644 4654 4664 4674 4684 4694 4704 4714 4724 4734 4744 4754 4764 4774 4784 4794 4804 4814 4824 4834 4844 4854 4864 4874 4884 4894 4904 4914 4924 4934 4944 4954 4964 4974 4984 4994 5004 5014 5024 5034 5044 5054 5064 5074 5084 5094 5104 5114 5124 5134 5144 5154 5164 5174 5184 5194 5204 5214 5224 5234 5244 5254 5264 5274 5284 5294 5304 5314 5324 5334 5344 5354 5364 5374 5384 5394 5404 5414 5424 5434 5444 5454 5464 5474 5484 5494 5504 5514 5524 5534 5544 5554 5564 5574 5584 5594 5604 5614 5624 5634 5644 5654 5664 5674 5684 5694 5704 5714 5724 5734 5744 5754 5764 5774 5784 5794 5804 5814 5824 5834 5844 5854 5864 5874 5884 5894 5904 5914 5924 5934 5944 5954 5964 5974 5984 5994 6004 6014 6024 6034 6044 6054 6064 6074 6084 6094 6104 6114 6124 6134 6144 6154 6164 6174 6184 6194 6204 6214 6224 6234 6244 6254 6264 6274 6284 6294 6304 6314 6324 6334 6344 6354 6364 6374 6384 6394 6404 6414 6424 6434 6444 6454 6464 6474 6484 6494 6504 6514 6524 6534 6544 6554 6564 6574 6584 6594 6604 6614 6624 6634 6644 6654 6664 6674 6684 6694 6704 6714 6724 6734 6744 6754 6764 6774 6784 6794 6804 6814 6824 6834 6844 6854 6864 6874 6884 6894 6904 6914 6924 6934 6944 6954 6964 6974 6984 6994 7004 7014 7024 7034 7044 7054 7064 7074 7084 7094 7104 7114 7124 7134 7144 7154 7164 7174 7184 7194 7204 7214 7224 7234 7244 7254 7264 7274 7284 7294 7304 7314 7324 7334 7344 7354 7364 7374 7384 7394 7404 7414 7424 7434 7444 7454 7464 7474 7484 7494 7504 7514 7524 7534 7544 7554 7564 7574 7584 7594 7604 7614 7624 7634 7644 7654 7664 7674 7684 7694 7704 7714 7724 7734 7744 7754 7764 7774 7784 7794 7804 7814 7824 7834 7844 7854 7864 7874 7884 7894 7904 7914 7924 7934 7944 7954 7964 7974 7984 7994 8004 8014 8024 8034 8044 8054 8064 8074 8084 8094 8104 8114 8124 8134 8144 8154 8164 8174 8184 8194 8204 8214 8224 8234 8244 8254 8264 8274 8284 8294 8304 8314 8324 8334 8344 8354 8364 8374 8384 8394 8404 8414 8424 8434 8444 8454 8464 8474 8484 8494 8504 8514 8524 8534 8544 8

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VBSG AGSLS LITURG COLLEGE

SECRET

REF: 46017

70-6-1

HA DER VSD BEMCH : HA DER VSD

BELOVE THE ROMANOVITE COMEUP TO DISCUSS THE INBOWIT

to select the superintending to follow the guidelines given with Rf Board Order dt 1.12.93 and select the member allotted to the applicant, to give advantage to the officer in his higher grade etc and arrange the applicant's name at appropriate place and appointment from the date his journey was permitted with all consequential benefits etc

**BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.**

O.A. No.1231/97

Appointment (S/C)

RAILWAY

Railways (32)

Between:

Ch. Janardhana Naidu, S/o Seethanna
Aged 51 years, Ticket Collector
S.E. Railway - Bobbili (RS)
Visakhapatnam Dist.

.. Applicant

A N D

Union of India - Represented by :

- 1) General Manager
S.E. Rly., Calcutta-43.
- 2) Divisional Railway Manager
S.E. Railway, Visakhapatnam.
- 3) Senior Divisional Commercial Manager
S.E. Railway, Visakhapatnam.
- 4) Sri Surendranath Behara, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway, Visakhapatnam.
- 5) Sri T.V. Mouleswar Rao, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway, Visakhapatnam.
- 6) Sri S.V.B.S. Ganesh, S/o not known to applicant
Ticket Collector, SR. DCM's Office
S.E. Railway, Visakhapatnam.
- 7) Sri V. Nageswar Rao, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway, Visakhapatnam.
- 8) Sri Balaji Vital, S/o not known to applicant
Ticket Collector, Sr. DCM's Office
S.E. Railway, Visakhapatnam.



APPLICATION SUBMITTED UNDER SECTION 19 OF THE A.T.ACT, 1985

I n d e x

S.No.	Date	Brief description of Proceedings/Documents	Annx.	Pages From - To
01		Application		1 8
02	06-01-88	Circular letter calling applications to appear for selection for promotion from Class-IV to Class-III as Ticket Collectors - Scale Rs.950-1500	A/1	9

03	11-01-88	Provisional Post panel	A/2	10	
03	22-02-90	Circular inviling appli- cation to appear for selection for promotion from Class-IV to Class-III as Ticket Collector - Scale 950-1500	A/3	11	
05	15-03-90	Provisional list of empa- nalled staff	A/4	12	
06	20-10-93	Circular inviting appli- cations to appear for selection for Promotion from Class IV to Cl-III as Ticket Collectors - scale 950-1500	A/5	13	
07	12-03-93	Call list for selected staff for vivo voice	A/6	14	14A
08	19-04-93	Approved provisional panel Serial No.5 & 6 of approved panel are juniors to appli- cants. As per call list app- licat is at Sr.No.8 of call list and respondents 4 & 5 at serial No.10 & 12	A/7	15	
09	29-12-93	Circular inviting application for selection Cl.IV to III as Ticket Collectors - Rs.950-1500	A/8	16	
10	28-03-84	Approved panels Juniors 5 to 8, 14 & 22 of approved list are a juniors to applicant whose seniority was 4	A/9	17	
11		SLJ 1994 (1) SC P 188	A/10	18	21
12		AJAAI HASIA VS. KHALIDMUJIB SHERVARDI and others (1981 SC 487, 1981 (2) SLJ SC 651) Service Law Reference (P 986)	A/11	22	
13	20-04-88	Boards letter circulated under Estt. Sr.No.95/88	A/12	23	
14	01-12-93	Rly. Bpards No.E/NG 1/90/PM/8/6 dt. 1-12-93 S.No.173/93.	A/13	24	
15.	28-02-92	Jdg. Hon'ble CAT -ENR ATR/1992- CAT -ERN, Page.2 128	A/14	25	27
16	28-6-97	Judge want of Hon'ble CAT- Hydrabad in O A 484/94	A/15	28	29

Y. Subrahmanyam
B Com; B.L.
Advocate

6

**BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.**

O.A.No. 1231/1997

Between:

Ch. Janardhana Naidu,
Ticket Collector,
S.E. Railway, Bobbili,
Visakhapatnam.

.. Applicant

A N D

Union of India - Rep. by :

General Manager,
S.E. Rly., Calcutta-43 and 7 others

.. Respondents

Application under section 19 of the A.T. Act, 1985.

CHRONOLOGY OF EVENTS

S.No.	Date	Letter reference / order	pages	
			From	To
01	16-03-73 to 12-06-73	Casual labour		
02	16-07-73 to 17-07-80	Reappointed		
03	18-09-80 to 05-05-83	Casual supervising mistry		
04	01-01-81	Attained temporary status		
05	21-07-83	Absorbed in commercial department of S.E.Rly. in Group-D Service.		
06	May, 92	First Class Coach Attendent Scale 750-940		
07	01-03-93	Jr. Coach Attendent		
08	Oct. 86 26-12-87 20-02-90 23-01-93 18-12-93	Appeared for Selection passed in written examination for promotion as Ticket Collector in Group 'C' Service but not enpanelled after after viva voice.		


Signature of counsel for applicant.

Rs-----
(For office use only)

- 01 Date of filing:
02 Date of Receipt of post
03 Registration No.

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

O.A. No. 1231 / 97

Between:

Ch. Janardhan Naidu, S/o Sestanna,
Aged 51 years, Ticket Collector,
S.E. Railway - Bobbili (RS)
Visakhapatnam.

.. Applicant

A N D

Union of India - Represented by:

- 01 General Manager,
S.E. Railway, Calcutta-43.
- 02 Divisional Railway Manager,
S.E. Railway, Visakhapatnam.
- 03 Senior Divisional Commercial Manager,
S.E. Railway, Visakhapatnam.
- 04 Surendranath Behara, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway, Visakhapatnam.
- 05 Sri T.V. Mouleswar Rao, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway, Visakhapatnam.
- 06 Sri S.V.B.S. Ganesh, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway Visakhapatnam.
- 07 Sri V. Nageswar Rao, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway Visakhapatnam.
- 08 Sri Balaji Vital, S/o not known to applicant
Ticket Collector, Sr. DCM's Office,
S.E. Railway, Visakhapatnam.

Respondents.

..... Applicants

APPLICATION SUBMITTED UNDER SECTION 19 OF THE A.T. ACT, 1985.

1.0 Particulars of the order against which application is
made :- DRM (P) Visakhapatnam's letter No.WPV/612/93
dated 23-12-93 and WPY/612/93/10, dated 28-3-94.

1.1 Brief of the Case : Conduction of Selection keeping
60% for written and 40% for Viva-voice and ignoring senior,
though qualified in all written examinations conducted from
the year 1998 to 1994 on the plea of less marks secured
in interview.

....2.

02) Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order is within the jurisdiction of the Hon'ble Central Administrative Tribunal - Hyderabad Bench, Hyderabad as per Section 14(1) b (ii) of the A.T. Act, 1985.

03 Limitation: The applicant declares that the application is within the limitation period prescribed in Section 21 (1) of the A.T. Act, 1985. O.A.No.484/94 has been withdrawn for impleading necessary parties ~~as per order of Hon'ble Tribunal, dated 25th June, 1997.~~ Hence this is short.

04 Facts of the Case: The applicant submits that he was appointed as Casual labour w.e.f. 16-3-73 and continued as such upto 17-9-80 with break from 13-06-73 to 15-07-73. Worked as Casual Supervising Mistry from 18-09-80 to 08-05-83. He was given Temporary Status w.e.f. 1-1-81 in Group 'D' in scale B 750-940. The applicant was absorbed in regular Group 'D' service in the Commercial Department of S.E. Rly., Visakhapatnam w.e.f. 21-7-83 worked as ^{Caretaker} ~~conductor~~ in scale 750-940 (RPS) and 1st Class ^{Coach} ~~conductor~~ Attendant from May, '92 to 28-02-93 in scale 750-940 and 1st Class Coach attendant w.e.f. 1-3-93 in scale 775-1025 (RPs)

The applicant passed S.S.L.C. (12th Class) Examination before appointment. He has also passed Type writing Higher Grade. There was no occasion at any time for any disciplinary action and rendered over 21 years unblemished service including casual service and a period of about 16 years from the time Temporary status was given and regularised.

While the above is the service background and educational qualification, the respondent issued circulars from 1986 to 1994 each year calling applicants for selection to the post of Ticket Collector in Scale 950-1500 (RS) to fill up the 33-1/3% quota. The applicant appeared in all the

examinations conducted and passed written examinations successively every time but was not selected due to keeping 40% afor intervidw which is violation of Supreme Courts orders.

<u>Date of Exam</u>	<u>R e s u l t s</u>
October, 1986 26-12-1987 20-03-1990	Declared as passed in written test and not included in panel after viva voice examination. Since these panels were drawn strictly according to seniority no room for complaint.
23-01-1993 18-12-1993	Declared as passed in written examination but not empanelled after viva voice for which 60% for written and 40% for viva voice were allotted scant regard ing given for record of service and seniority despite passing written examination 5 times and passessing the requisite qualifications.

The applicant was not empanelled despite having full educational qualification, seniority position at 8 in 1993 selection and seniority No.4 in 1994 selection while empanelling juniors with seniority position as 8 9 & 10 in 1993 and juniors with seniority position as 5 to 8, 14 & 22 after conducting viva-voice and awarding higher mark in interview and panels finalised leaving the seniors. The viva-voice is used as a ~~xxx~~ cushion for awarding higher marks to the Juniors favourites in viva-voice thereby bi-passing the senior deserving and qualified by not awarding requisite marks in interview for all phases i.e. record of service and seniority^{etc}. The panels conducted on 23-01-1993 and 18-12-93 are done apparently boosting the interview^{marks} marks to the favourites which acted prejudicially to the applicant. Thus the panels formed are malaphide.

More Over as per Estt. Serial No.95/88 dated 28-04-88 the Railway Board allotted separate marks for the various phase of selection as under:

.....

a) Written examination	60
b) Viva voice	25
c) Record of Service	15

Where as, as per Railway Board's Letter No.E(NG)1/90/PM/816, dated 1-12-93 selections should be made primarily on the basis of overall merit, but for guidance of selection board the Railway Board have prescribed the following factors to be taken into account while conducting selection:

	<u>Max.Marks</u>	<u>Qualifying Marks</u>
1) Professional ability	50	30
2) Personality, Address leadership and academic qualification	20	
3) Record of service	15	
4) Seniority	15	

Instead of considering 40% marks for interview if the marks are allotted separately under each head the applicant would ^{Score} ~~score~~ more than the required minimum over juniors selected and ^{some} ~~some~~ of the juniors may not find place in ~~PAI~~ panel.

In this connection it is also submitted that the applicant was working as 1st Class Coach Attendant in higher scale i.e. scale 775-1025 and was called for written examination and interview with staff working in lower scale 750-940. The applicant in the higher grade is working as 1st class coach attendant and performing duties of Ticket ^{Group 'C'} Collector whenever no Ticket Examiner reports on train. Thus his experience also merits weightage under record of service which has ~~app~~ not apparently been given. If the weightage is not given and considered staff in lower scale Rs.7750-940 as well as higher scale 775-1025 (RPS) on the same footing it tentamounts to treating ^{unequals and as equals} ~~unequals and as equals~~ which is a violation of Art. 14 of Constitution of India as held by

in O.A.No.306, 307 and 308 of 1990 and advised respondents to review the policy (1992) (1) SLJ CAT-HYD 225.)

In 1994 panel
The supersession is beyond ~~50%~~ 50% of the total field of eligibility which is also a violation of Railway Board's Letter No.E(NG)1/90/PM/8/6 dated 01-12-1993 Bhani serial 173/93.


5) Grounds for relief with legal provision:

The respondents in their counter to O.A.No.484/94 in para 8 have stated that the staff should obtain minimum of 50% marks in written examination for being eligible to be called for Viva-voice and should necessarily secure 50% on viva-voice test also as qualifying marks and also ~~50%~~ 50% on the aggregate which is bad in law.

The Hon'ble Supreme Court in case of Ashok Alias - Somanna Gowda Vs. State of Kerala and others held that allotment of 50% for interview and 100 marks for qualifying examination is a clear violation of the dictum laid ~~said~~ down by Hon'ble Supreme Court in 1988 Supp. SCR 658 in JT 1990 (4) SC 704. The Hon'ble Supreme Court held that in case the marks for viva voice are kept ^{15%} at ~~50%~~ of the total marks, the applicant was ^{bound} ~~has to~~ to be selected on the basis of marks secured by him in interview on the basis of converting the same to 15% of total marks. (LLJ 1992 Vol.I SC P 89 and SLJ 1994 (13) SC 198.

In case of Ajay Hasia etc. V. Khalid Mujib Sehrvadi and others AIR 1981 SC 487: 1981 (1) SC.722; 1981 SC.(L&S) 258 1981 (1) LLJ 103; 1981 (2) SCR 79 1981 (2) SLJ 651 SC It has been held as under:

Article 14 - Allocation of 33-1/3 % marks for viva voice test - It must be taken to be well settled that what Article 14 strikes ^{at} ~~is~~ is arbitrariness because in action i.e. arbitrary must necessarily involve negation of



equality. There is no doubt that allocation of this much marks for the interview is plainly arbitrary or unreasonable. It is significant to note that even for selection of Candidates for I.A.S., I.P.S. etc. the marks allocated are only 12.2" of the total marks. Therefore 33.1/3% of the total marks for Interview held to be arbitrary and could not be sustained.

(Service Law reference Vol. I P-986)

Allotment of 40% marks for viva voice test whether reasonable Held No. direction give to allot 15% for viva voice and then see suitability of applicant on the basis of written and viva voice for empanellement. K.T.Srinivasan Vs. UOI & others 1991(2) ATJ-561
Judgement of Hon.ble CAT - Earnakulam in case of N. Chandrasekharan and others Vs. Chairman, ISRO & Others decided on 28-2-92 held that unless exceptional circumstances obtain, the interview shall not carry more than around 12.2% of the total marks in a selection consisting of the written examination followed by interview - (ATR 1992 - CAT - ERN P.128)

6. Reliefs prayed for: In view of the submission made in para 4 & 5 the applicant prays the Hon'ble Tribunal to be pleased to direct respondents to follow the guide lines given by Railway Board circulated under Letter No.E(NG)1/90/PM 8/6, dated 1-12-93 and review the marks allotted to applicant and respondents 4 & 5 in 1983 examination and Respondents 6,7 & 8 in 1994 selection selection and incorporate the name of applicant at appropriate place over juniors who any happens to get less marks on review as per guide lines given by Railway Board and extend all consequential benefits from the date Junior was promoted.

Direct respondents to give weightage for officiating in higher grade over candidates of lower grade as per Judgement of Hon'ble CAT - Hyderabad in O.A.No.306, 307 and 308 of 1990 by revising the policy and include the applicants name at appropriate place over juniors within the period thhe Hon'ble Tribunal may be pleased to fix for communicating the orders.

Arrange issue of posting orders from the date juniors

: 6 :

was

irregularly promoted considering 40% for interview instead of 15% as per Board's letter of 1993.

Arrange payment of all consequential arrears from date the juniors was promoted.

Pay cost of the suit, interest and such other relief/reliefs which are incidental and consequential to the circumstances of the case.

7) Interim orders if any prayed for :-

No interim orders are prayed for

8) Details of Remedies exhausted :- The applicant declares that he has exhausted all remedies available to him including filing of O.A.No.484/94 which has been withdrawn for impleading proper parties as respondents. The Juniors who are empanelled superseding the applicant have since been impleaded.

9) Matters not pending in any other court: The applicant declares that he has not filed any application, writ petition or suit except O.A.No.484/94 which has been withdrawn for impleading necessary parties in respect of which the application has been made before any court of law or Tribunal as no such application, writ petition or suit is pending before any of the.

10) Particulars of Postal Order/Bank Draft in respect of the application fees:-

- B.12.224135413.9.97 50
4 50 43/615 dt. 13.9.97 5
40 24 111 dt. 2.4.97 for Rs. 65/- 5
40 24 112 2.4.97
1. I.P.O./B.D.No. 40 24 111 dt. 2.4.97 for Rs. 65/- 5
2. Name of Post Office/Bank Branch which issued IPO/B.D. 2.4.97
3. Whether Crossed or not: yes
4. Post Office/Bank at which payable: Hyderabad
for Rs. 65/- A
U.D. 12.9.97
50
55/-
6/10/-

14

11)

- 1) Application
- 2) Vakalat
- 3) I.P.O. for Rs.65/-
- 4) Material papers relied upon
- 5) Empty full size envelopes duly inscribing address of respondents with Acknowledgement due.


Signature of Advocate.


Signature of Applicant.

Verification

I, Ch. Janardhan Naidu, S/o Seethanna, aged 45 years working as Ticket Collector, S.E. Railway - Bobbili, do hereby solemnly affirm and certify that the contents in paras 1,4,6,8 & 9 have been verified by me and are true to the best of my knowledge and belief and paras 2,3,7 are based on legal advise which is believed to be true.

XX


Signature of Applicant.

A/1

159

South Eastern Railway

To

CGS-I/WMY-T

No. WPY/612/87

Office of the Divl. Mly. Manager,
Waltair, dt. 6-1-88.

To
CGS-I/WMY-T, VZT(G), CI(T), VZT(T),
SS(G)/WAT, SS/TIG, NWP JYP, PVP KVAR,
DCS-WAT, DCS(Stores)WAT.

Reg: Selection for promotion from Class-TV to
Class-III (General) Ticket Collectors in scale
Rs. 950-1500(RPS) against departmental quota.

Ref: This office No. WPY/612/87 dt. 17-12-87.

It is proposed to conduct a viva-voce test on 8-1-88 at
11 hrs. in this office at Waltair in connection with the above
selection.

Please direct the following staff accordingly who have passed
in the written examination held on 20-12-87.

S/Sri.

1. L. Ch. Dikshitulu *
2. Y. Gopal Rao *
3. M. V. M. Haswar Rao *
4. Khassim Shariff *
5. M. S. Prakash Rao *
6. M. Nazim Ahmad *
7. M. Appala Naidu *
8. P. Symasundar Rao *
9. S. Satyanarayana *
10. S. Gunaswar Rao *
11. V. Suryanarayana *
12. P. S. Janardhan Rao *
13. Venkatarao *
14. P. H. ...
15. P. Guribabu *
16. P. G. Prasad Rao *
17. P. Seshagiri Rao *
18. P. Prasad Rao *
19. P. Sarveswar Rao *
20. P. S. Rao *
21. M. R. Chowdhary *
22. R. Vasanth Naidu *
23. P. Joseph *
24. P. K. Lalanath Kumar *
25. H. Venkatarao *
26. A. Ram Rao *
27. M. Srinivas *
28. I. Raju *
29. I. Srinivas *
30. K. Ram Rao *
31. Ch. Janardhan Naidu *

FCCM/WAT.
" "
Porter SS(G)/WAT
FCCM/WAT
Porter, SS(G)/WAT
" WMY-TP
Porter, WMY TP/CI-WAT
Porter, WMY-TP, DCS-WAT
Porter, TIG
Porter WMY-TP
TVM/SS(G)/WAT
Porter/VZT
Porter, NWP
Porter CI(T) VZT
" WMY-TP
" WMY-TP
" DCS/WAT
" WMY-TP
" NWP
" WMY-TP
" VZT(T)
" JYP
Porter, KVAR
Porter, WMY-TP
Porter, (CI(T) VZT(T))
Porter WMY-TP
Porter, WMY-TP
Porter WMY-TP
Porter/VZT
Core Taker, SS(G)/WAT.

Divl. Manager Waltair.

ATTESTED

Y. SUBRAMANYAM
AD. CLATE

A/2

16
10

South Eastern Railway

No. WPY/612/87

Office of the Divl. Rly. Manager,
Waltair, dt. 11--1--88.

To
The CTI(T/C)WAT, SS(G)-WAT,
CGS-I, WMY-TP, LCS-WAT.

Reg: Selection for promotion to the post of
Ticket Collector from Class-IV to Class-III
against departmental quota.

Ref: This office letter No. WPY/612/87 dt. 17-12-87
and 6--1--88.

Following is the Provisional Part Panel for promotion
to the post of Ticket Collector in scale Rs. 950-1500 RPS. Date
of approval of the panel by competent authority is 10--1--88.

S/Sri.

1. L. Ch. Dikshitulu,
2. Y. Gopal Rao
3. M. V. Maheswararao
4. Khashim Shariff
5. M. S. Prakas Rao
6. Nazeer Ahmad
7. M. Appala Naidu
8. P. Syamasundararao

FCCA (Rs. 800-1150RPS) CTI/WAT.
 FCCA (Rs. 800-1150RPS) CTI/WAT.
 Sr. Porter (Rs. 775-1025) SS(G)WAT.
 FCCA (Rs. 800-1150RPS) CTI/WAT.
 Sr. Porter (Rs. 775-1025) SS(G)WAT.
 -do- WMY/TP
 -do-
 -do- DCS/WAT.

The above staff are required to undergo initial training
on the duties of TC at ZTC/Sini and pass in the same.

[Signature]
/Divl. Personnel Officer,
Waltair.

Copy forwarded for information and necessary action to
DCS-WAT, OS BU. IV, P/files.

*Staff concerned
are informed
substantially
12/4/88*

ATTESTED
[Signature]
Y. SUBRAHMANYAM
ADVOCATE

SOUTH EASTERN RAILWAY.

To CGS-I/WMY-TP

No.WPY/612/89.

Office of the
Divl. Asst. Manager (P)
Vizag, Dt:22-2-90.

The CTI(T/C)WAT, CCS, I/AM, TP & VZP, SS(U) VSKP.
SS/VZM, TIO PVP, CI, WAT.

Reg: Selection to the post of Ticket collector
(Rs.950-1500(RPS) from Group 'D' to Group 'C'
against departmental quota.

Ref: This Office letter No. even No. dt: 8-12-89
and 9-2-90.

It is decided to hold the Viva-voce test in continuation of the
test held on 20-2-90 in connection with the selection to the
post of Ticket Collector in scale Rs.950-1500(RPS) from Group 'D'
to Group 'C' Comm. against departmental quota on 1-3-90 in this
office. The following staff may please be advised accordingly
and directed to this office on 01.3.90 at 14.00 hrs
Please note that there will not be any supplementary test
in this connection.

Sl. No.	Name.	Design. & Stn.	Sl. No.	Name.	Design. & Station.
1.	K. Trinadha Rao.	FOCH-I/WAT.	16.	G. Jagann Mohanrao, Sr. Porter	WMY-TP at VSKP.
2.	P. Narayana Rao	-do-	17.	M. N. Murthy	-do- under CI/WAT
3.	S. Gunneswararao	FOCH. II/WAT.	18.	I. Rajeswararao	-do-
4.	Ch. Rahunadha Rao.	Adhoc FOCH.	19.	P. Prasadarao TTE Porter	-do-
5.	R. Venkataramana	II-TP.			under CTI(TC/WAT)
6.	N. Narayana Rao	-do-	20.	N. Venkatarao, Porter/VZM.	
7.	K. Ramakrishna	Sr. Porter/VZM.	21.	R. Rama Rao, Porter/VZP (G).	
8.	M. Bhaskara Rao	-do-	22.	T. Trinivasarao	-do- WMY-TP.
9.	Dhaneswara Behara	Sr. Porter/WMY-TP.	23.	Ch. Kameswararao, Sr. Porter/VZM	
10.	V.V. Rama Rao X	Sr. Care	24.	K. Mohan Rao, Porter, WMY-TP.	
11.	V. Suryanarayana. X	Taker/TIG	25.	K. Ramana Kumar	-do- VZP
12.	T. Ramu Naidu	Sr. Porter/VZM-TP	26.	Ch. Janardhana Naidu,	Care-taker VSKP.
13.	D. Eswara Rao	Sr. Porter/WMY-TP	27.	A. Thavithiah, Porter/WIP.	
14.	P. Lalashoury	-do-	28.	T. Rama Rao	-do- WMY-TP X
15.	R. Vasantha Naidu	-do-	29.	K. Nagabhusana Rao	-do- X
		-do-	30.	V. Kamana Murty	-do- X
		-do-	31.	L. Narayana	-do- X
		-do-/PVP			

Necessary identification letters may be sent along with them.

DCS/WAT.

B.

Divl. PERSONNEL OFFICER WAT.

ATTESTED

ADVOCATE

Memorandum
No. WPY/612/89

S.E. Railway

Office of the Divl. Rly. Manager (P)
Waltair, dt: 15.3.90

Reg: Selection for promotion to the post of Ticket Collector in scale Rs. 950-1500 (RPS) against departmental quota.

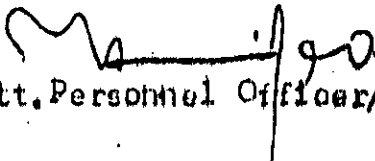
Ref: This office letter No. WPY/612/89 dt. 8.12.89, 11.12.89, 9.2.90 and 22.2.90.

With the approval of the competent authority on 11.3.90 the following staff are provisionally empanelled for promotion to the post of Ticket Collector in scale Rs. 950-1500 (RPS) against departmental quota as a result of written test held on 23.12.89 and Viva-voce test on 20.2.90 and 1.3.90.

- | | |
|----------------------------|---|
| 1. Sri K. Trinadha Rao | FCCA. I/WAT |
| 2. " P. Narayana Rao | FCCA. II/WAT |
| 3. " M. N. Murty | Sr. Porter/WMY-TP under CI/WAT |
| 4. " P. Kailasanadha Kumar | Sr. Porter/WMY-TP |
| 5. " P. Prasada Rao | TTE Porter under CTI (TC)/WAT |
| 6. " N. Venkata Rao | Porter/VAM |
| 7. " R. Rama Rao | Porter/VZT |
| 8. " T. Srinivasa Rao | Porter/WMY-TP |
| 9. " Ch. Kameswara Rao | WRB/VZM (He should pass the medical examination in category B, two) |

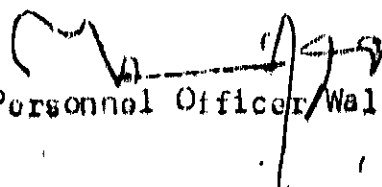
NOTE: a) This provisional panel is subject to the result of the writ petitions filed in the Hon'ble Supreme Court in the matter of reservations.

b) They are required to undergo training in the duties of Ticket collector and pass the examination.

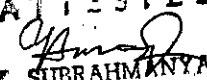

Asstt. Personnel Officer/Waltair

No. WPY/612/87 dt. 15.3.90

✓ Copy forwarded for information and necessary action to: CTI (T/C)/WAT
CGS. I-WMY TP & VZT SS/VZM
Sr/DCS/WAT, GS. BS. VI P/Files and C.O. File.


Divl. Personnel Officer/Waltair

rlk/

ATTESTED

Y. SUBRAHMANYAM
ADVOCATE

No. 12/89

Divisional Railway Manager (P),
Waltair, Dated: 20-10-1993.

To: (Gaz) V&P, CII/Incharge/WAT.
Sr. CII/WAT, CGS-I/WMY-TP, VZT(G) & V&P.
SS D, SS IM-VZM GVI CHE NLP VBL PVP PVPT RGD
S&D MIV KENG TIG KBJ KRAR KMK BGR M&M MNDH MNDH
(L&G DUTY) ARK KRFU JYP SKV (NALCO NAD SUNABEDA SDG)
JDE BCL & KRIL. GSR/KRFU (Damajodi Sdg) CGS-II/DSK Sdg.
CI-I, CI-II & Complaints, CI (KK) CI-I/VZM, KRIL, CI-III/VZT(T)
CI-III) Panel C&C, CI-I, R&T, P&M, CI-VZT(T), CIC/SOM.
Sr. DM (Stores) WAT, CIC/PVPT, GSR/HES Sdg, Clerk Incharge/SOMN.

SUB: PROMOTION OF CLASS-IV STAFF TO CLASS-III
TICKET COLLECTORS IN SCALE Rs.950-1500RPS
AGAINST DEPARTMENTAL QUOTA.

It is proposed to hold a Selection to form a panel of
10 candidates (6UR + 2 SC + 2 ST) for promotion to the post of
Ticket Collectors in scale Rs.950-1500 (RPS) against Departmental
quota.

The following categories of staff of Commercial Depart-
ment who have put in regular service of 3 years are eligible to
appear in the Selection. The Selection will be conducted by
Written Examination followed by Viva-voce Test.

CATEGORY OF STAFF ELIGIBLE

S.No.	Category	Scale	S.No.	Category	Scale
1.	Marker	Rs.800-1150	13.	Watchman (Care Taker)	775-1025/ 750-940
2.	Porter Muccadam	-do-	14.	Watchman-Cum-Hamal	-do-
3.	First Class Coach Attendant-I	-do-	15.	Inspectors Peon	-do-
4.	First Class Coach Attendant-II	Rs.775-1025	16.	Record Sorter	-do-
5.	T.M.	-do-/750-940	17.	Dak Sorter	800-1150
6.	TTE Porter	-do-	18.	Comm. Courier	-do-
7.	Goods Shed Peon	-do-	19.	G.T. Operator	-do-
8.	Rest Room Bearers	-do-	20.	Sr. Record Sorter	-do-
9.	Waiting Room Bearer/ Ayahs	-do-	21.	Store Issuer	-do-
10.	Safaiwala	-do-	22.	Sr. Dak Sorter	875-1200
11.	Porters/Hamals/ TTE Hamals	-do-	23.	Comm. Courier	-do-
12.	Station Peon	-do-	24.	GT Operator	950-1400

The contents of the above notification should be given
wide publicity amongst the staff concerned to enable the willing/
eligible candidates to submit their applications, so as to reach
this office on or before 16-11-1993. Applications received in
response to this circular will only be considered. Candidates
belonging to SC/ST community should submit true copy of the
Caste Certificate duly attested by Gazetted Officer, alongwith
their applications. The application should be submitted on the
prescribed proforma as appended below:

- 1) Name (2) Father's name (3) Caste (in case of SC/ST true copy
of the caste certificate should be enclosed) (4) Date of birth
5) Date of regular appointment (6) Present designation & grade
8) Date of promotion to the present grade (9) Office/Station
where now working.

Signature of the applicant

Officer under whom
working with office stamp.

Divl. Personnel Officer/Waltair

ATTESTED

Y. SUBRAHMANYAM
ADVOCATE

148 Bf6

100
800
2400

11.2.11

1400
580
2380

1. Nagbhushana Rao.
2. Surendranath Behara ✓
3. V. Ramamurthy ✓
4. T. V. Moulleswara Rao ✓
5. P. Papa Rao
6. M. Marasinga Rao
7. A. Suryanarayana
8. L. Venkata Ramana
9. B. Appala Naidu
10. V. Jageswara Rao
11. P. V. Sathu Rao
12. C. Sureshwar Rao
13. V. D. Ramakrishna
14. N. Prabhakara Rao
15. G. J. ... Naidu
16. K. Jagannadha Rao (SC)
17. M. S. ... (SC)

- Porter/.../TP
- do-
- do-
- do-
- do-
- Porter/V&T(T)
- Porter/V&KP
- Porter/V&T(U)
- Peon/V&T
- Porter/.../TP
- Porter/.../P
- Porter/V&KP
- Porter/V&KP
- Peon/V&KP
- PCC/V&T
- Peon/V&T
- PCC. II/V&T

Item No. 24 & 25 have been called for viva-voce test since qualified on relax standard.

12.3.93
DIVL. PERSONNEL OFFICER/V&T.

Copy to Mr. ... for information

On A/6/2/6 PW
6/2/88 / Nal den
10/11 PM / 4.30

14 292-111
40-23710-11

67
245

ATTESTED
Y. SUBRAHMANYAM
ADVOCATE

A/b

14 (15)

GSR/ICPU (Damanjodi Sdg), CGS-II, Sdg.
 CI-I/W.T & Complaints, CI (AK), W.T, CI-I/VZM,
 KRDL, CI-III/VZT (2), CI-III (panel cut)
 CI-I/RGN, MSMD, CI-VZT (1), CIC/SCN,
 Sr. DQM (Stores) / W.T, CIC/PVPT, GSR/ines Sdg.

620/4
Tajik area

Ref: 1. This Office letter No. WPY/612/88
dt. 24-3-92 and letter of even No.
dt. 2-7-92;
2. This office letter No. WPY/612/89 dt. 21-12-92.
proposed to hold the

The following staff who have qualified in the written test held on 23.1.93 are required to appear for viva-voce test. They may, therefore, be advised accordingly and directed to attend this office on 30-3-93 and at 10 hrs. with necessary identification memo without fail.

test in this connection.

Name _____
S/Ship _____
Union/Station _____

S/Sri
1. C. Megavathi Rao ✓
2. S. Ganeswara Rao ✓
3. C. Raghunatha Rao ✓
4. M. V. R. Rao ✓
5. G. Jagannathan Rao ✓
6. K. Ramana Kumar ✓
7. Thevitalah ✓
8. P. Rama Rao ✓
C. T. Narasimhan Naidu

REC-1/AY, TP.
REC-1/AY, TP.
REC-1/AY, TP.

FSC 1/Attendant

cont d/

ATTESTED
Y. SUBRAHMANYAM
ADVOCATE

A/7

21
(16) 15

South Eastern Railway

Memorandum
No. WPY/612/89/28

DRM(P)'s Office
Waltair
Dt. 19.4.1993.

Sub:- Selection for promotion to the post of Ticket Collector in scale Rs. 950-1500 (RPS) against departmental quota.
Ref:- This office letter No. WPY/612/89 dt. 21.12.92 and letter of even no. dt. 12.3.93.

The following staff are provisionally empanelled for promotion to the post of Ticket Collector in scale Rs. 950-1500 (RPS) against departmental quota.

Competent Authority has approved the provisional panel on 17.4.93.

S/Sri

- | | |
|------------------------|-------------------|
| 1. Ch. Bhagavathi Rao | .. FCCA-WAT. |
| 2. Ch. Raghunadharao | .. -do- |
| 3. N. Narayanarao | .. -do- |
| 4. A. Thavitaiah | .. Sr. Porter-NWP |
| 5. Surendranath Behera | .. Porter/WMY TP |
| 6. T.V. Mouleswararao | .. Porter-WMY-TP. |

- Note:- 1) The above provisional panel is subject to the final judgment of the Hon'ble Supreme Court in CA No. 2017/78 and CMP No. 3490/84 in the case of J.C. Mallik-Vs-Union of India.
- 2) The above-mentioned staff are required to undergo training in the duties of Ticket Collector in scale Rs. 950-1500 (RPS) and pass the examination.

19.4.93
Asst. Personnel Officer/S.E.Rly.
Waltair.

No. WPY/612/89 dt. 19.4.93.

Copy forwarded for information and necessary action to :-

1. Sr. DCM/WAT.
2. Sr. CTI/WAT.
3. CGS-I/WMY TP;
4. SS/NWP.
5. P/File of the staff concerned.
6. O.S/BS-VI of DPO's Office-WAT.

19.4.93
Divl. Personnel Officer/Waltair.

ATTESTED

Y. SUBRAHMANYAM
ADVOCATE

S.E.Railway

No. WPY/612/93

DIVL.RLY.MANAGER'S OFFICE
PERSONNEL BRANCH
ALTAIR Dt: 29.12.93

To

SE(CAZ)VSKP, CTI/In-CHARGE/WAT
CGS-I/WMY-TP, VZT(G) & VSPS
SS/Dy.SS/SM-VZM. GVI, CHE, NWP, VBL, PVP, PVPT, RGDA
SPRD, THV, KENG, TIC, KBJ, KRAR, KMK, BGBR, MSMD,
MNDH, MNDH(LPG BOTTING) ARK, KRPU, JYP, SXV(NALCO
NAD SUNABEDA SDG)
JDB, BCHL, KRDL, CSR/KRPU(Damanjodi sdg) CGS-II/
DSK SDG.
CI-I/WAT & complaints, CI(KK)/WAT, CTI/VEM, KRDL, CI.III/VZT(T)-
CI-III(Panel Cut) CI-I/RGDA, MSMD, CI-VZT(T), CIC/SCM
Sr.DCM(Stores)WAT, CIC/PVPT, CSR/MSL - Sdg.Clerk-in-charge/SCMN

Sub: Promotion of class IV staff to class-III
Ticket Collectors in scale Rs.950-1500RPS
against departmental quota.

Ref: This office letter No. WPY/612/89 Dt.20.10.93
2 This office Lr No.WPY/612/93 Dt.30.11.93

As per scheduled programme, viva-voce test in
connection with the above will be held on 30.12.93 at 10.30 hrs
in the Office of Sr.DCM/WAT.

The following staff who have qualified in the
written test held on 18.12.93 are required to appear for viva-
voce test. They may, therefore be advised accordingly and
directed to attend this office on 30.12.93 at 9.45 hrs with
necessary identification memo with out fail.

Please note that there will not be any supplementa-
ry test in this connection.

Sl.No	Name	Designation/Stn
1.	S/Sri S.Gunneswararao	FCCA-I/WAT
2.	R.Vasanta Naich	Sr.Porter/PVP
3.	K.Ramalakumar	Sr.Porter/WMY TP
4.	Ch.J.Naidu	FCCA II/WAT
5.	S.V.B.S.V Ganesh	Sr.Porter/wmy TP
6.	V.Ratnakumar(SC)	Sr.Porter/WMY-TP
7.	M.Praopakararao	peon/WAT
8.	P.Balaji Vithal	porter WMY-TP
9.	V.Brahmaji	Porter WMY-TP
10.	M.Krishnamaraju	Porter WMY-TP
11.	S.H.Narasingarao	Porter VZT-(T)
12.	R.Suryanarayana	Porter VSKP
13.	S.Appalanaidu	Peon WAT-KK
14.	V.Nageswara rao	Porter WMY-TP
15.	P.V.Sadhurao	Porter NWP
16.	M.B.N.Prasad	Porter WMY-TP
17.	V.B.Ramakrishna	Porter VSKP
18.	Kum.M.Saradadevi	Porter WMY-TP
19.	P.Srinivasarao	Porter WMY-TP
20.	N.Singh (ST)	Courier/WAT
21.	S.Yerini Babu (SC)	FCCA-I/WAT
22.	SPKavir (SC)	FCCA-I/WAT

page.2.

[Signature]
S. SUBRAMANYAM
ADVOCATE

S.E. Rail

Memorandum

No. WPY/612/93/10.

DRM(P)'s Office

Waltair

Dt. 28.3.1994.

Sub:- Selection for promotion to the post of Ticket Collector in scale Rs.950-1500 (RPS) against Departmental Quota.

- Ref:- (1) This office letter No. WPY/612/93 dt. 30-11-93.
(2) This office letter No. WPY/612/93 dt. 29.1.94.
(3) This office letter No. WPY/612/93 dt. 8.3.94.

The following is the Provisional Panel for promotion to the post of Ticket Collector in scale Rs.950-1500 (RPS) against Departmental Quota :-

S/Sr

- | | |
|-----------------------|---------------------------------------|
| 1. S. Gunneswararao | .. FCCA-I/WAT. |
| 2. S.V.B.S.V. Ganesh | .. Sr. Porter/WMY-TP. |
| 3. V. Ratnakumar (SC) | .. -do- (on relaxed standards) |
| 4. M. Prabhakararao | .. Peon, CTI's Office/WAT. |
| 5. P. Balaji Vittal | .. Porter/WMY TP. |
| 6. M. Krishnam Raju | .. Porter-WMY TP. |
| 7. V. Nageswararao | .. -do- |
| 8. S.P. Kavir (SC) | .. FCCA-I/WAT. (on relaxed standards) |

- Note:-
1. Competent Authority (ADRM/WAT) has approved the Provisional Panel on 28.3.94.
 2. The above panel is provisional and subject to judgment of Hon'ble Supreme Court in CA No. 2017/78 and CMP No. 190/84 in the case of J.C. Mallick -Vs- Union of India.
 3. The above-mentioned staff are required to pass medical examination in class-B2 (See Two) and undergo training in the duties of Ticket Collector in scale Rs.950-1500 (RPS) at Zonal Training Centre, Sini and pass the examination.
 4. Necessary entry should invariably be made in the concerned service sheets.

[Signature]
28/3/94
Asst. Personnel Officer/Waltair.

Copy forwarded for information and necessary action to :-

1. Sr. DCM/WAT.
2. CTI/Incharge-WAT;
3. CGS-I/WMY TP;
4. OS/BS-VI, DPO's Office/WAT.
5. P./File of the staff concerned.

[Signature]
Divl. Personnel Officer/WAT.

ATTESTED

[Signature]
Y. SUBRAHMANYAM
ADVOCATE

both accepted as essential features of proper selection and there also no hard and fast rule regarding the precise weight to be given to the *viva voce* test as against written examination, can be laid down and the said weight must vary from service to service according to the requirement of the Service. The question of weight to be attached to *viva voce* would not arise where the selection is to be made on the basis of interview only. (Para 11)

Cases Referred.

1. R. Chitralekha & Anr. v. State of Mysore & Ors., 1964 (6) SCR 368.
2. A. Peeriakaruppan, etc. v. State of Tamil Nadu & Ors., 1971 (2) SCR 430.
3. Nishi Maqhu etc. v. State of Jammu & Kashmir and Ors., 1980 (3) SCR 1253.
4. Ajay Hasia etc. v. Khalid Mujib Sehravardi & Ors. etc., 1981 (2) SCR 79.
5. Koshal Kumar Gupta & Ors. v. State of Jammu & Kashmir and Ors., 1984 (3) SCR 407.
6. Lila Dhar v. State of Rajasthan & Ors., 1982(1) SCR 320.
7. Ashok Kumar Yadav and Ors. etc. v. State of Haryana and Ors., etc., 1985 (Suppl.) 1 SCR 657.
8. Mohinder Sain Garg v. State of Punjab, 1991(1) SCC 662.
9. Munindra Kumar v. Rajiv Govil, 1991(3) SCC 368.
10. State of U.P. etc. v. Rafiquddin & Ors. etc., 1988(1) SCR 794.
11. Mahmood Alam Tarig and Ors. etc. v. State of Rajasthan & Ors., etc. 1988 Supp. (1) SCR 379.
12. Ashok alias Somanna Gowda and Another v. State of Karnataka and Ors., 1992 (1) SCC 28.

Advocates :

For the Appellant : Mr. P.P. Rao, Sr. Advocate, Dr. Sumant Bhardwaj, Mr. M.D. Adkar and Mr. Ejaz Maqbool, Advocates

For the Respondents : Mr. B.B. Singh (N.P.), Mr. L.R. Singh and Mr. Uma Datta, Advocates.

IMPORTANT POINT

Where selection is based on *viva* only allotting 50% marks for *viva* & 50% for achievements is not arbitrary.

JUDGMENT

SLP (Civil) No. 8444 of 1993.

S.C. Agrawal, J.—I.A. No. 1 of 1993 allowed.

Special leave granted.

SLP (Civil) No. 7415 of 1993.

Special leave granted.

Both these appeals arising out of the judgment of the High Court of Patna dated March 12, 1993 in C.W.J.C. No. 7475 of 1992, raise the question whether the law laid down by this Court regarding fixation of marks for interview in a selection would apply to a case where there is no written test and the selection is made on the basis of academic performance and interview.

2. The selection in the present case was for appointment on the post of Unani Medical Officer.

3. The post of Unani Medical Officer was declared a Gazetted (Class II) post by the resolution of the Government dated April 1, 1979. On November 25, 1989, the Government of Bihar sent a requisition to the Bihar Public Service Commission (hereinafter referred to as 'the Commission') regarding appointment on 22 vacant post of Unani Medical Officers. In the letter of requisition it was stated that the procedure of appointment etc. on these posts will be the same which applies to the incumbents of the State Service cadre. The maximum age of the candidates on January 1, 1989 was prescribed as 35 years. The Secretary of the Commission by his letter dated April 18, 1990 pointed out that appointment on the post of initial cadre in the State Medical Service was being done on the basis of competitive examination conducted by the Commission and that competitive examination for appointment to the post of Unani Medical Officer could only be held after the relevant rules are made. Thereupon the State Government by letter dated September 20, 1990 informed the Commission that rules relating to the post of Unani Medical Officer have neither been modified nor any rule for competitive examination has been framed, and therefore, as in earlier cases, the candidates for this post may be selected on the basis of interview. In the said letter it was stated that for the said post of Unani Medical Officer degree of B.U.M.S. or G.U.M.S. from any recognised university is essential and in addition resident/internship training working of 6 month from any recognised institution is necessary. By letter dated January 22, 1991 the State Government intimated to the Commission that selection be made for 81 posts of Unani Medical Officers and the Commission was requested to send its recommendation for appointment on 81 posts. Thereafter the Commission issued advertisement on September 15, 1991 inviting applications for 81 posts of Unani Medical Officers. The applicants appeared for interview before two Boards presided by two members of the Commission. The selection was made on the basis of marks given for *viva voce* and for academic performance 100 marks were allotted for *viva voce* test and 100 marks for academic performance. By letter dated June 14, 1992, the Commission recommended the names of 55 candidates for appointment on the post of Unani Medical Officer. The said recommendation of the Commission was challenged by Dr. Sadra Alam and Dr. Syed Wasim Asraf (respondents Nos. 6 and 7 respectively) in the High Court in a writ petition filed under Article 226 of the Constitution. During the pendency of the said writ petition the 55 selected candidates were appointed on the post of Unani Medical Officer by order of the State Government dated March 2, 1993.

4. The High Court, by its judgment dated March 12, 1993, has allowed the said Writ Petition and has quashed the recommendation made by the Commission as contained in letter dated June 14, 1992 and the State has been commanded not to issue any notification of appointment pursuant to the said recommendation and if any appointment had been made on the post in the meanwhile the same shall be deemed to be null and void. The High Court has held that it had not been shown that any policy decision had been taken by the Commission on the question of allocation of 100 marks for *viva voce* and that the two members of the Commission who headed two Boards for interviewing the candidates either themselves took the decision in regard to the allocation of marks or they were told by someone to evaluate the merit on the basis of the impugned allocation of marks. According to the High Court, the question as to how much marks should be set apart or allocated for the *viva voce vis-a-vis* the marks for the academic qualifications relates to a policy matter which goes to the root of the recruitment process and a decision on the question could be taken only by the Commission, i.e., the whole body, and not by the members comprising the Interview

APIC

25

Boards or the Chairman individually. The High Court was of the view that this finding was sufficient to render the whole selection process as illegal. The High Court has, however, dealt with the question as to what should be the percentage of marks for the viva voce and has held that in view of the decisions of this Court allocation of 50 per cent marks for viva voce was unjustified and arbitrary and that Respondents Nos. 6 and 7 (petitioners in the Writ Petition) had suffered prejudice on account of such wrong and arbitrary allocation of marks and that the whole recruitment process has been vitiated on that account.

5. As regards the allocation of marks for viva voce and academic performance for the impugned selection it has been pointed out before us by the learned counsel appearing for the Commission that in the Counter Affidavit filed on behalf of the Commission before the High Court it was categorically stated that in all cases where the recommendation is made only on the basis of interview conducted by the Commission and no written qualifying examination is conducted, it has always been the practice of the Commission to fix 50% marks for academic achievement/educational qualifications and 50% marks for interview/viva voce and only in cases where written examination is also conducted by the Commission for screening the candidates, 100 marks are reserved for performance of the candidates in such qualifying examination and 20 marks are reserved for interview/viva voce. It has been submitted that since in the instant case the recommendation was to be made only on the basis of interview and hence in accordance with the past practice which is being followed consistently and for a number of years, 50% marks were reserved for academic achievements/educational qualifications and 50% marks were reserved for interview/viva voce and selection and the recommendation was made by the Commission on that basis. It has also been asserted in the Counter Affidavit filed on behalf of the Commission before this Court that the Commission has never in the past prescribed 100 marks for academic achievement and 20 marks for interview in cases where recommendation is made solely on the basis of interview. Annexure 'A' to the said Counter Affidavit contains the names of the posts for which selection was made by the Commission during the period 1985-93 on the basis of interview and in all such selections the Commission had allocated 50% marks for academic achievement and 50% marks for interview. Among the posts mentioned in the said Annexure is the post of Unani Medical Officer for which interview was held on January 10, 1985 in pursuance of advertisement No. 54/83 and at the time also 50% marks were allocated for academic achievement and 50% for interview. This shows that the consistent practice that has been followed by the Commission when selection is made on the basis of interview only is to allocate 50% marks for academic achievement and 50% marks for interview. This allocation was made by the Commission in the selection for the post of Unani Medical Officer held in 1985, which was made on the basis of interview only. Since the selection for the post of Unani Medical Officer in the present case was also to be made only on the basis of interview, as indicated by the State Government in its letter dated September 20, 1990, the practice which was being followed in the past was followed in this selection also and there was no need for the Commission to take a fresh decision for allocation of marks for this selection. It cannot, therefore, be said that the allocation of 50% marks for viva voce/interview for the selection has not been made by the Commission but was made by the members who headed the interview Boards or by the Chairman individually. The High Court, in our opinion, was not justified in holding that the impugned selection was vitiated on account of the failure on the part of the Commission to decide the matter of allocation of marks for viva voce vis-a-vis academic qualifications.

6. We may now examine the question regarding the validity of the fixation of 100 marks, i.e., 50%, for the interview. The High Court has held the same to be arbitrary and has placed reliance on the decisions of this Court. In this context it may be mentioned that the decisions of this Court with regard to the fixation of marks for interview in a selection broadly fall in two categories:

- (i) Selection for admission to educational institutions; and
- (ii) Selection for employment in service.

7. The decisions of this Court in *R. Chitralkha & Anr v. State of Mysore & Ors.*, [1964 (6) SCR 368], *A. Peeriakaruppan, etc. v. State of Tamil Nadu & Ors.* [1971(2) SCR 430], *Nishi Maghu etc. v. State of Jammu & Kashmir & Ors.* [1980(3) SCR 1253], *Ajay Hasia etc. v. Khalid Mujib Sehravardi & Ors. etc.* [1981(2) SCR 79] and *Koshal Kumar Gupta & Ors. v. State of Jammu & Kashmir and Ors.* [1984 (3) SCR 407], relate to admission to educational institutions and fall in the first category. In *Ajay Hasia's* case (supra) it has been laid down that where selection is made on the basis of written test followed by interview, allocation of more than 15% of the total marks for interview would be arbitrary and unreasonable and would be liable to be struck down as constitutionally invalid. Although in that case the Court was dealing with admission to an educational institution viz., Regional Engineering College, a passing reference has been made to "public employment" in the following observation:

"We would, however, like to point out that in the matter of admission to college or even in the matter of public employment, the oral interview test as presently held should not be relied upon as an exclusive test, but it may be resorted to only as an additional or supplementary test and, moreover, great care must be taken to see that persons who are appointed to conduct the oral interview test are men of high integrity, calibre and qualification" (p. 106)

8. In the context of selection for appointment to Public Service, viz., Rajasthan Judicial Service, the question was considered by this Court in *Lila Dhar v. State of Rajasthan & Ors.* [1982(1) SCR 320]. Under the relevant rules selection was to be made on the basis of a written examination carrying 300 marks and viva voce examination carrying 100 marks. There was thus allocation of 25% of the total marks for viva voce examination. The said allocation was upheld as valid. Making a distinction between selection for the purpose of admission to a college and selection for appointment to service, this Court (Chinnappa Reddy, J.) has observed:

"If both written examination and interview test are to be essential features of proper selection, the question may arise as to the weight to be attached respectively to them. In the case of admission to a college, for instance, where the candidate's personality is yet to develop and it is too early to identify the personal qualities for which greater importance may have to be attached in later life, greater weight has per force to be given to performance in the written examination. The importance to be attached to the interview test must be minimal. That was what was decided by this Court in *Peeriakaruppan v. State of Tamil Nadu, Ajay Hasia etc. v. Khalid Mujib Sehravardi & Ors. etc.*, (supra) and other cases. On the other hand, in the case of services to which recruitment has necessarily to be made from persons of mature personality, interview test may be the only way, subject to basic and essential academic and professional requirements being satisfied. To subject such persons to a written examination may yield unfruitful and negative results, apart from its being an act of cruelty to those persons. (pp.326-27)".

9. Referring to the words "or even in the matter of public employment" in the above quoted observation in *Ajay Hasia's* case (supra) it was stated:

"The observation relating to public employment was per incuriam since the matter did not fall for the consideration of the Court in that case. Nor do we think that the Court intended any wide construction of their observation. As already observed by us the weight to be given to the interview test should depend on the requirement of the service to which recruitment is made, the source material available for recruitment, the composition of the Interview Board and several like factors. (p. 330)"

It was further observed in the said decision :

"It is now well recognised that while a written examination assesses a candidate's knowledge and intellectual ability, an interview test is valuable to assess a candidate's overall intellectual and personal qualities. While a written examination has certain distinct advantage over the interview test there are yet no written tests which can evaluate a candidate's initiative, alertness, resourcefulness, dependableness, cooperativeness, capacity for clear and logical presentation, effectiveness, in discussion, effectiveness in meeting and dealing with others, adaptability, judgment, ability to make decision, ability to lead, intellectual and moral integrity. Some of these qualities may be evaluated, perhaps with some degree of error, by an interview test, much depending on the constitution of the interview Board. (p. 325)"

10. In *Ashok Kumar Yadav and Ors. etc. v. State of Haryana and Ors. etc.* 1985 (Suppl.) 1 SCR 657 the selection for the Haryana Civil Service (Executive) and Allied Services was made on the basis of written examination and interview. The allocation of marks for interview was 33.3% in the case of ex-service officers and 22.2% in the case of other candidates. After quoting the observations of Chinnappa Reddy, J. in *Lildhar's* case (supra), it has been observed by the Court :

"The competitive examination may be based exclusively on written examination or it may be exclusively on interview or it may be a mixture of both. It is entirely for the Government to decide what kind of competitive examination would be appropriate in a given case. It is not for the Court to lay down whether interview test should be held at all or how many marks should be allowed for the interview test. Of course the marks must be minimal so as to avoid charges of arbitrariness, but not necessarily always. There may be posts and appointments where the only proper method of selection may be by a viva voce test." (p.695)

"Now if both written examination and viva voce test are accepted as essential features of proper selection in a given case, the question may arise as to the weight to be attached respectively to them. There cannot be any hard and fast rule regarding the precise weight to be given to the viva voce test as against the written examination. It must vary from service to service according to the requirement of the service, the minimum qualification prescribed, the age group from which the selection is to be made, the body to which the task of holding the viva voce test is proposed to be entrusted and a host of other factors. It is essentially a matter for determination by experts. The Court does not possess the necessary equipment and it would not be right for the Court to pronounce upon it, unless to use the

words of Chinnappa Reddy, J. in *Lildhar's* case "exaggerated weight has been given with proven or obvious oblique motives." (p. 696 697)

11. These observations would indicate that the matter of weight to be attached to interview and the allocation of marks for interview vis-a-vis marks for written examination can arise when written examination as well as viva voce test are both accepted as essential features of proper selection and there also no hard and fast rule regarding the precise weight to be given to the viva voce test as against written examination, can be laid down and the said weight must vary from service to service according to the requirement of the Service. The question of weight to be attached to viva voce would not arise where the selection is to be made on the basis of interview only. In *Ashok Kumar Yadav's* case (supra), this Court has held that in the case of Ex-Service Officers viva voce test may be attached relatively greater weight because the personalities of such officers being fully mature and developed it would not be difficult to arrive at a fair assessment of their merits on the basis of searching and incisive viva voce test. But at the same time the Court felt that the allocation of 33.3% marks for viva voce test for ex-service officers and 22.2% for other candidates was excessive and that the same should not exceed 25% for ex-service officers and 12.2% for other candidates.

12. Applying the aforesaid decision in *Ashok Kumar Yadav's* case (supra) this Court has held that in the matter of selection for two posts of Excise and Taxation Inspectors on the basis of written test and viva voce test where candidates are fresh from college/school the allocation of marks for viva voce test should not exceed 15 per cent. (See : *Mohinder Sain Garg v. State of Punjab*, 1991 (1) SCC 662).

13. In *Munindra Kumar v. Rajiv Govil* [1991 (3) SCC 368], the said percentage was maintained for interview and group discussion. It was held that allocation of marks for interview and group discussion should not exceed 10% and 5% respectively.

14. In *State of U.P. Etc. v. Rafiquddin & Ors. etc.* [1988 (1) SCR 794], this Court has upheld the fixation of 35 per cent marks as the minimum marks for qualifying in the viva voce test for selection for recruitment to the post of Munsif. It was observed:

"The viva voce test is a well-recognised method of judging the suitability of a candidate for appointment to public services and this method had almost universally been followed in making selection for appointment to public services. Where selection is made on the basis of written as well as viva voce test, the final result is determined on the basis of the aggregate marks. If any minimum marks either in the written test or in viva voce test are fixed to determine the suitability of a candidate the same has to be respected." (p.816)

15. Similarly in *Mehmood Alam Tariq and Ors. Etc. v. State of Rajasthan & Ors. etc.* [1988 Supp. (1) SCR 379], the Court has upheld fixation of 33% marks as minimum qualifying marks for viva voce test.

16. The High Court has placed reliance on the decision of this Court in *Ashok alias Somanna Gowda and Another v. State of Karnataka and Ors.* [1992 (1) SCC 28]. In that case selection was made for the post of Assistant Engineer (Civil) and (Mech.) for the Public Works Department and the said selection was made on the basis of the marks obtained in the qualifying examination and the marks secured in the interview. 100 marks were allocated for qualifying examination and 50 marks for interview. Relying on the decisions in *Mohinder Sain Garg's* case (supra) and *Ashok Kumar Yadav's* case (supra) this Court held that allocation of 50 marks for interview was only 15 per cent of total marks be allocated for interview. In that case, however, this Court did not quash the selection that had been made and did not also quash

rules on the basis of which the impugned selection had been made but only directed that the appellants be appointed in case they were found suitable in all other respects according to the rules. The said decision appears to have been given in the particular facts of that case and it cannot be said to have laid down a law different from that laid down in the earlier decisions of this Court referred to above. We are unable to construe the said decision to mean that the principles which govern the allocation of marks for interview in a selection based on written and viva voce test would also apply to a selection where no written test is held and the selection is based on interview only.

17. In the instant case, we find that the State Government in its letter dated September 20, 1990 has clearly stated that selection should be made on the basis of interview. On the basis of this letter the Commission could have made the selection wholly on the basis of marks obtained at the interview. But in accordance with the past practice, the Commission has made the selection on the basis of interview while keeping in view the academic performance and with that end in view the Commission has allocated 50% marks for academic performance and 50% marks for interview. It cannot be held that the said procedure adopted by the Commission suffers from the vice of arbitrariness. By giving equal weight to academic performance the Commission has rather reduced the possibility of arbitrariness.

18. For the reasons aforesaid we are unable to uphold the judgment of the High Court setting aside the recommendation made by the Commission in its letter dated June 14, 1992 as well as the appointments made in pursuance of said recommendations. The appeals are, therefore, allowed, the judgment of the High Court dated March 12, 1993 is set aside and the Writ Petition filed by Respondents Nos. 6 and 7 is dismissed. The parties are left to bear their own costs.

RAJASTHAN HIGH COURT

The Hon'ble Mr. Justice A.K. Mathur

Subhash Purohit

Versus

State of Rajasthan and Another

S.B.C.W.P. No. 1739 of 1991

(i) Constitution of India, 1950—Articles 202, 219, 235—*Judiciary v. Executive*—Ban on recruitment, Public Interest Litigation—Plea that Government cannot place a ban on recruitment in judiciary after once the budget has been passed and the High Court is the only authority to control expenditure—Provisions examined and plea upheld as High Court has financial autonomy.

Held : Therefore, so far as the expenditure of the High Court is concerned, it has to be charged on the Consolidated Fund of the State, which is not subject to the vote of the leg-

control over subordinate judiciary and the judiciary were not bound by any orders issued by Government in its executive capacity.

Held : Therefore, it should be clearly understood that once the control of the subordinate judiciary vests in the High Court, the executive authorities have no business to directly deal with the subordinate judiciary and the subordinate judiciary is not bound by any direction issued by the executive in discharge of its executive functions. Thus, the practice of the State Government to issue circular imposing ban on the recruitments from time to time will not necessarily apply to the recruitments in the subordinate judiciary as well as in the High Court.

(Para 16)

Cases Referred :

1. M. Gurumoorthy v. Accountant General, Assam and Nagaland and Others, AIR 1971 S.C. 1850.
2. Rajeev Kumar v. Dr. Kailash Nath Bhargava & Ors., 1990(2) R.L.R. page 393.
3. State of West Bengal and another v. Nripendra Nath Bagchi, AIR 1966 S.C. 447.
4. R.M. Gurjar and another v. High Court of Gujarat and others, AIR 1992 S.C. 2000.

Advocates :

For the Petitioner : Mr. Rajendra Vyas, Advocate.

For the Respondents : Mr. S.K. Vyas, Addl. Government Advocate.

IMPORTANT POINTS

1. After allotment of Budget for High Court State Government, can not interfere in its expenditure.
2. High Court alone is competent to decide whether to fill up or not posts in subordinate judiciary.
3. Subordinate judiciary is not bound by any orders of State Government, issued in executive capacity.

JUDGMENT

A.K. Mathur, J.—This is a public interest litigation filed by a public spirited person for maintaining the independence of the judiciary and speedy disposal of the cases.

2. The petitioner felt pained to see that a number of posts in the subordinate judiciary are lying vacant and the same could not be filled in because of the administrative problems and because of the time to time ban imposed by the Government on recruitment of the staff resulting in delay in the disposal of the cases for want of proper staff. He has filed this public interest litigation that since the entire administrative control of the subordinate judiciary vests in the High Court and once the funds are made available to the High Court, then subsequently, there should not be any Government interference like issuing circulars from time to time imposing ban on the recruitment. This public interest litigation was received

Petition dismissed

ATTESTED

Y. SUBRAHMANYAM

ADVOCATE

—Petitioner

—Respondents

Decided on 25.2.1993

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A/11

Article 14 : Allocation of 33 1/3 % Marks for viva voice test - It must be taken to be well settled that what article 14 strikes as is - arbitrariness because in action; i.e. arbitrary must necessarily involve negation of equality - There is no doubt that allocation of this much marks for the interview is plainly arbitrary or unreasonable. It is significant to note that even for selection of candidates for I.A.S., I.P.S., etc., the marks allocated are only 12.2% of the total marks. Therefore 33 1/3 % of the total marks for interview held to be arbitrary and could not be sustained.

AJAY HASIA etc. V. KHALID MUJAB SEHRVARDI and others - AIR 1981 SC 487, 1981 (2) SLJ 651 (SC)
(Service Law Reference P.986).

ATTESTED

Y. Subrahmanyam
Y. SUBRAHMANYAM
ADVOCATE

Retd. Sri. No: 93/88

Dated: 20.4.88

1982/1/14/312

A/12 *Ameyate R2V*
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**Selection Procedure-Group 'D' (Class-IV)
to Group 'C' (Class-III) against
Departmental Quota**

On different occasions detailed instructions on the procedure to be followed for the selection for promotion from Group 'D' (Class-IV) to Group 'C' (Class-III) against departmental quota have been issued as under:-

1. Retd. Sri. No: 217/59 (Aly. Board's letter)
2. Retd. Sri. No: 133/59
3. Retd. Sri. No: 132/59
4. Retd. Sri. No: 62/61
5. Retd. Sri. No: 197/61
6. Retd. Sri. No: 43/63 (Aly. Board's letter)
7. Retd. Sri. No: 156/64

While 50% has been prescribed to be the minimum qualifying marks, there has been no definite apportionment of the total mark between written and oral test. It has also been clarified vide foot note iv) of Retd. Sri. No: 133/59 that the competent authority ordering the selection can adjudge the suitability of the staff either by a written test or written and viva-voce (both).

However, there appears to be no uniformity on the application of qualifying marks in the selection conducted from Group 'D' to Group 'C' against Departmental quota. In order to remove doubts and to have a uniform policy the following instructions are issued with the approval of the General Manager:-

1. Wherever the suitability of candidate is adjudged solely on the written test the staff should obtain minimum 50% marks for being placed in the panel.

2. Wherever the suitability of staff is decided basing on both written test and viva the apportionment of marks will be as follows:-

a. Written Test	60
b. Viva-voce	25
c. Record of Service	15
<hr/>	
Total	100

The staff should obtain minimum 50% marks in the written test for being eligible to be called for viva-voce test. For being placed on the panel, the staff should necessarily secure 60% marks also in viva-voce test as qualifying marks and also 60% marks on the aggregate.

In the case of SC/ST candidates they should secure 40% marks in the written test for being eligible to be called for viva-voce test and should secure 40% in viva-voce as qualifying marks and also 40% in aggregate for being placed in panel. The panel to be formed should be for the number required for the existing vacancies, on the date of initiating the selection added with that of the anticipated vacancies for the next one year from the date, that is, enhanced by 10% for unforeseen contingencies. The name should be arranged in the order of seniority in Group 'D' category maintaining inter-seniority.

These orders are effective from 5-4-88, the date of approval by General Manager and is applicable for all selections that are notified on or after 5.4.88. Selections already processed and partly finalised should be concluded as per previous instructions and policy locally adopted.

Three Copy
Noted *Attested*

General Personnel Officer
A. E. Rallavar, Walund

RL

ATTESTED
[Signature]
Y. Y. SUBRAHMANYAM
ADVOCATE

constituted under the orders of General Manager or Head of department or other competent authority, not lower than Divisional Railway Manager.

Selection Boards shall consist of not less than three officers, one of whom should be Personnel Officer and one of member should be from Department other than that for which selection is held. For selection post in the scale of Rs. 1600-2660 and above, the Selection Boards will consist of officer of Junior administrative rank, for others not lower than senior scale.

In partial modification of the instruction contained in letter of 29-8-1988, Railway Boards have considered that in future in the case of selection to the posts in grade Rs. 1600-2660 and above in the Personnel Department, one of the member of the Selection Board should be a JA Grade Officer of the Personnel Department. Where there is no JA Grade Officer in the Personnel Department of a Division and the post is divisionally controlled, in addition to the senior scale Personnel Officer of that Division, a JA Grade Officer of Personnel Department of the adjoining Division or of the Headquarters, may be included in Selection Board.

[R.B's No. E(NG)I-87/PM1/6 of 15-11-1989, *Bahri's* 283/89]

Every effort should be made to include a SC/ST officer on the selection Boards whether of same department, if available or from the other department.

[R.B's No. 81/E(SCT)15/32 of 8-11-81]

An officer of concerned department who is also member of the Selection Board must be authorised to set the question paper for written test. Where possible, another officer who is a member of the Selection Board should be nominated to evaluate the answering books, if such a test is held as a part of selection or determining the professional ability. The test should be confidential system with roll numbers.

[R.B's No. E(NG)I/84/PM1/6 of 30-3-85 *Bahri's* 95/85 & E(NG)I/85/PM1/13 (RRC) of 5-9-85 *Bahri's* 256/85]

In the written test, if any, held as part of the selection for promotion to the highest grade selection post in a category, objective type question may be set for about 50% of the total marks for the written test. This is intended for guidance and should not be construed to mean as constituting a flexible percentage.

[R.B's E(NG)I/83/PM1-65 (PNM-NFIR) of 17-4-84]

Moderation of results by way of awarding grace marks to candidates shall not be restored to without the authority of the Selection Board or the authority competent to accept the recommendations of selection Board. No grace marks should be allowed in individual cases.

[R.B's. E(NG)I/67/PM1/21 of 25-2-71 & E(NG)I/84-PM1/6 of 30-3-85 *Bahri's* 95/85]

All the members of Selection Board should independently assess the candidates under different headings of personality, leadership and record the marks awarded by them and the same should be signed and handed over to the Personnel Officer who should average the marks given by members of

PROMOTIONS AND SELECTIONS

Selection Board and be responsible to compile the results on the basis of marks given by members. The evaluation chart prepared by the Personnel Officer should be signed by all members and it should be ensured that there should be no cuttings and over-writings in the proceedings of the Selection Board.

Selection should be made primarily on the basis of overall merit, but for the guidance of Selection Board, the Railway Board have prescribed the following factors to be taken into account while conducting selections.

	Maximum Marks	Qualifying Marks
1. Profession ability	50	30
2. Personality, Address, Leadership and academic qualification	20	
3. A record of service	15	
4. Seniority	15	

Note — The item record of service should also take into consideration the performances of the employees in essential Training schools/Institutes apart from the examining Confidential Reports and other relevant records.

Candidates must obtain a minimum of 30 marks in professional ability and 60% marks of the aggregate for being placed on the panel. Where both written and oral tests are held for adjudging the professional ability, the written test should not be of less than 35 marks and the candidates must secure 60% marks in written test for the purpose of being called in viva voce test. This procedure is also applicable for filling up of general posts. Provided that 60% of the total of the marks prescribed for written test and for seniority will also be the basis for calling candidates for viva-voce test instead of 60% of the marks for the written examination.

The names of selected candidates should be arranged in order of seniority but those securing a total of more than 80% marks will be classified as 'Outstanding' and placed in the panel appropriately in order of their seniority allowing them to supersede not more than 50% of the total field of eligibility.

The names of selected employees who retire before notification of panel should be included in panel.

[R.B's E(NG)I/90/PM 8/6 of 1.12.93 *Bahri* 173/93]

ATTESTED

Y. SUBRAHMANYAM
ADVOCATE

The list shall be put up to the competent authority for approval. In case competent authority does not accept the recommendation of Selection Board, the case should be referred to the General Manager, who may constitute a fresh Selection Board at higher level or issue orders as he considers appropriate.

assessment of the character roll is amenable to scrutiny.

(Paras 11, 12 & 22)

(ii) Administrative Tribunals Act, 1985—Section 19—Application under—Procedure of promotion challenged—Promotion is based on a written test, followed by an interview and assessment of the Confidential Reports—Allocation of 30 marks for the interview out of a total of 100 marks is deliberately used as a lever to manipulate the result—Spread of marks is unusually large—The provision has been used arbitrarily—Relief to be granted to the applicants—Fresh selection should be made after reducing the marks for the interview and not insisting on a minimum in the interview.

(Paras 29 & 30)

Result

Application Allowed.

Cases Referred

1. Ashok Kumar Yadav's Case
AIR 1987 SC 454.
2. Munindra Kumar Vs. Rajiv Govil
ATR 1991 (2) SC 294.
3. Manjit Singh Vs. ESI Corporation
1990 (2) SLR 433 (SC).
4. Leeladhar Vs. State of Rajasthan
AIR 1981 SC 1777.
5. Mehmoood Alam Tariq Vs. State of Rajasthan
1988 (3) SCC 241.

ADVOCATES

For the Applicants: Mr. P. Ravindran, Advocate

For the Respondents: Mr. N.N. Sugunapalan and
Mr. N. Govindan Nair, Advocates

IMPORTANT POINT

Unless exceptional circumstances obtain, the interview shall not carry more than around 12.2% of the total marks in a selection consisting of the written examination followed by an interview.

JUDGMENT

Hon'ble Mr. N.V. Krishnan, Member (Admn.)

The two applicants before us are Purchase

Assistants-B in the Vikram Sarabhai Space Centre, Trivandrum (VSSC, for short), an establishment under the Indian Space Research Organisation (ISRO, for short), the first respondent. The next promotion is to the post of Assistant Purchase Officer. The promotion is made on the basis of executive instructions issued from time to time. These have been compiled in "A Compendium of Orders on Career Opportunities for Administrative Staff" published in July 1987 and produced for our perusal and referred to as 'Compendium' for short. The procedure for recruitment is compiled and laid down in the Office Memorandum dated 9-7-1987 (P. 1 of the Compendium) and admittedly, in the instant case, the promotion is based on a written test, followed by an interview and assessment of the Confidential Reports. Para B 2.4 of the aforesaid O.M. prescribes the marks for these components as follows:—

(a) Written test	—	50
(b) Interview	—	30
(c) Confidential Report	—	20
		<hr/> 100 <hr/>

Para B.2.6 states that to qualify for promotion 50% each should be scored in each of the three elements of evaluation and 60% should be scored in the aggregate.

2. The grievance of the applicants is that by manipulating the marks awarded at the interview and for confidential reports they have been effectively denied promotion in as much as in the panel prepared in 1990 (Ann. A1) the second applicant's name has been excluded while the first applicant has been placed at S. No 7, though he and the second applicant had respectively scored the highest and second highest marks in the written test. It is for this reason that the applicants have sought the following reliefs:

"(a) To declare that Norm 20-4 insofar as it permits 30% of marks for interview and 20 marks of the confidential reports is violative of Articles 14 and 16 of the Constitution of India and hence unconstitutional.

The following observations can be made:

(i) In 1990, the first three rank holders in the panel owe this rank entirely to very high marks given to them in the interview. For, if the total of the written examination and ACR is taken into account, the persons who scored the first five ranks in the written examination (S. Nos. 1 to 5 in B of the 1990 table) have scored more marks than the three persons given the top positions in the panel (S. Nos. 1 to 3 of Part A of the 1990 list).

On the contrary, in the 1988 list, the first two ranks in the panel (S. Nos. 1 and 2 of Part A of 1988 table) are attributable to the fact that the aggregate of the written examination and ACR is the highest and they maintained this rank despite being given only the 2nd and 3rd highest marks in the interview.

(ii) In 1990, there are 8 persons who have secured the top three ranks in the written examination (Part B of 1990 table). Out of them, 5 have been disqualified, including both the second rank holders. The first rank holder is placed at S. No. 6 of the panel.

On the contrary, in 1988, there are 6 such persons (Part A, S.Nos. 1 & 2 and Part B). Out of them, 3 have been disqualified, but it has to be noted that even if S.No. 2 of Part B of the 1988 table had been given the qualifying marks in the interview (i.e. 15), he would still have been out, because the aggregate will be less than 60. Of the remaining three, 2 have secured the first and second positions in the panel and the third the fifth position.

(iii) Thus, in the 1990 selection, the maximum marks allocated to the interview gave an opportunity to the selectors to pull up certain candidates and to pull down certain others, whether this treatment was deserved or not.

27. It is neither necessary to establish that the high marks in the interview have been given without being deserved, nor is it possible to establish this, for nobody has a record of what transpired in the interview.

But three facts stand out viz. that the 'spread' of marks is unusually large and that the first three positions in the panel have been determined entirely by marks given in the interview and that the marks given are unusually large. That is sufficient for us to hold that this selection is vitiated by the deliberate use of the interview as a lever to manipulate the results and this calls for interference.

28. We have already pointed out that in Ann. R2 memorandum a minimum in the interview is not prescribed and that the O.M. is not consolidated in the Compendium. It is, however, necessary to point out that fixing such a minimum is not improper by itself vide *MEHAMOOD ALAM TARIQ Vs. STATE OF RAJASTHAN*.⁵ However, we notice from the record of the 1990 selection produced for our perusal that by not giving the minimum marks for the interview, as many as 18 out of 28 have been disqualified, of whom 5 are persons who would be in the panel if they had been given the minimum marks in the interview. Hence we find that this provision has been used arbitrarily.

29. The question is, in the circumstances, what relief should be granted to the applicants. In many of the cases decided by the Apex Court the results had not been set aside as the selection involved a large number of persons. That consideration need not apply to this case where a panel of 7 persons has been prepared after considering 28 persons. In the circumstances we feel that fresh selection should be made after reducing the marks for the interview and not insisting on a minimum in the interview. We note that the total marks for the written examination (50) and the ACR (20) amounts to 70. If only 10 marks are allocated to the interview, the total will be 80 and the weightage for interview will get reduced from 30% to 12½%. The Committee has already awarded marks for the interview on a maximum of 30. The marks given out of a maximum of 10 marks for the interview will naturally be 1/3rd of the marks already given. When this exercise is completed marks obtained out of a total of 80 will be known. That can be converted into marks out of 100 and the panel can

5. 1988 (3) SCC 241.

be prepared.

30. In the circumstances we allow this application with the following directions:

(i) The panel at Annexure-I is quashed and all promotions made on the basis of this panel as Assistant Purchase Officers shall stand quashed.

(ii) The fixation of a minimum mark of 50% to be scored in the interview is quashed.

(iii) The respondents are directed to reduce the total marks for interview from 30 to 10 and work out the marks given to the candidates by applying a factor of 1/3 to the marks already given and then compile the marks scored by the candidates out of 80 i.e. 50 for written test, 20 for ACR and 10 for interview.

(iv) The marks so secured shall be covered into marks out of 100 by applying a factor of 5/4 to the total marks scored.

(v) This shall be taken as the final result of the 1990 examination and a fresh panel shall be prepared and promotions granted on this basis.

(vi) These directions be complied within one month from the date of receipt of this order.

There will be no order as to costs.

ATR 1992 (2) C.A.T. 139

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA

Hon'ble Shri C.S. Pandey, Member (Admn.)

Hon'ble Shri S.R. Sagar, Member (Judl.)

Regn. No. O.A. 117 of 1989

Decided on 24-1-1991

Basudeo Prasad

Applicant

Vs.

Union of India & Ors.

Respondents

SENIORITY

Administrative Tribunals Act, 1985—Section 19—Application praying that the period for which the applicant worked on the post of Assistant Superintendent of Post Officers on ad-hoc basis should also be counted towards seniority—Applicant who was Inspector of Post Offices was promoted as Assistant Superintendent w.e.f. 16-7-1982 on ad-hoc basis—He was made regular on 14-2-1985—There is nothing on the record to show break if any in the continuous officiation by the applicant on the said post—Adhoc officiation was followed by regular appointment in the cadre—Applicant cannot be denied benefit of the service rendered by him on adhoc basis—He is entitled to claim seniority on the basis of his officiation on the post of Assistant Superintendent.

Held

It appears from the order dated 16-7-1982 (Annexure-A-1 of the application) that the applicant was promoted only on purely temporary and adhoc basis with immediate effect. The same order will show that Shri Sheo Narayan Prasad belonging to Scheduled Caste was also promoted on purely temporary and adhoc basis and he has been shown junior to the applicant, Shri Basudeo Prasad. There is, however, no clear evidence on the record to show as to when the remaining aforesaid three persons belonging to Scheduled Castes were promoted in the cadre of

ATTESTED

Y. SUBRAHMANYAM
ADVOCATE

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(ii) To direct the respondents to review and revise the panel by considering 15% of the total marks for interview as per the judgement of the Supreme Court in Civil Appeal No.4088/1991, dt.11.10.91 reported in ILLO 1992 89 and SLJ 1994(I) SC 88;

(iii) To direct the respondents to give weightage for officiating in higher grade over the candidates of lower grade as per the judgment in OA Nos.306, 307 and 308 of 1990 by revising the policy and include the applicant's name in the panel within a period the Hon'ble Tribunal may be pleased to fix; and

(iv) To issue posting orders along with other empanelled candidates in order to obviate any disadvantageous position as to seniority, fixation of pay etc.

3. When the OA was taken up for hearing, the learned counsel for the applicant submitted that he is withdrawing this OA for impleading the necessary parties.

4. The OA is dismissed as withdrawn. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

ATTESTED
[Signature]
Y. SUBRAHMANYAM
ADVOCATE

क्यास नं.	24/81/94
CASE NUMBER	24/81/94
दिनांक आदेश	24-6-92
Date of Judgment	24-6-92
न्यायाधीशों की संख्या	2-7-92
Copy Made by	2-7-92
<i>[Signature]</i> अधीक्षक (प्र. वि.) Deputy Officer (J)	

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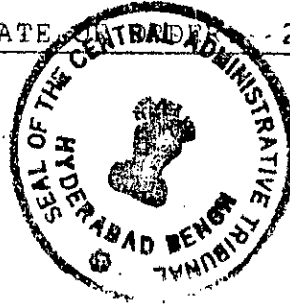
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 484 OF 1994

DATE 25th June, 1997

BETWEEN:

CH. JANARDHAN NAIDU



.. APPLICANT

AND

Union of India represented by

1. The General Manager,
South Eastern Railway,
Calcutta 43,
2. The Divisional Railway Manager,
SE Railway, Visakhapatnam,
2. The Sr.Divisional Commercial Manager,
SE Railway, Visakhapatnam.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.Y.SUBRAHMANYAM

COUNSEL FOR THE RESPONDENTS: Mr.C.V MALLA REDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.Y.Subrahmanyam, learned counsel for the applicant and Mr.C.V.Malla Reddy, learned standing counsel for the respondents.

2. This OA is filed for the following reliefs:-

(i) To quash the provisional panel circulated under DRM(P)'s No.WPY/612/93/10 dated 28.3.94;

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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO 2974/97

Date:

To Mr. Y. Subrahmanyam,
Sir, Advocate

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

Para 3 says that earlier O.A. has been withdrawn as per order of Hon'ble Tribunal dt. 25.6.97. This fact could not be established by ^{on} personal order, clarity, & that

or
how the application is ^{in time} maintained as the impugned order was made on 28.3.94.



Amr

DEPUTY REGISTRAR (JUDL)

Objections Complied
with

Y. Subrahmanyam
Advocate

17/9/97

36

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD
BENCH AT HYDERABAD.

OA. A. 1231/97

Between:

Ch. J. Naidu

...

Applicants

And:

Union of India Rep.
by its General Manager
Calcutta & 7 others.

...

Respondents


Reply statement filed on behalf of
Respondent No. 1 to 3.

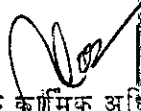
I N. Prabhakar a Rao s/o Late Suryanarayana
Murthy aged 53 years Occupation: Government Service
do hereby solemnly affirm and state as follows:

I am the Divisional Personnel Officer,
S. E. Railway, Visakhapatnam working under Respondent
No. 2 and I am dealing with the subject matter as
such I am well acquainted with the facts of the case.
I am filing this reply statement on behalf of Respondent
No. 1 to 3 as I am authorised to do so. The material
avement in this Q. A. are denied and disputed save
these are specifically admitted therein. The applicant
put to strict proof of all such avement except those
specially admitted hereunder:

At the outset it is submitted that the
applicant had filed an Q. A. 484/94 which was withdrawn
by the applicant and the said Q. A. was dismissed by

Con...


सहायक कार्यालय अधिकारी
द. पू. रेलवे, बालासोर
Asst. Personnel Officer
S. E. Ry.; BALASOR


मंडल कार्यालय अधिकारी
द. पू. रेलवे, बालासोर
Divisional Personnel Officer
S. E. Railway, Waltair

this Hon'ble Tribunal by its judgement, order dt. 25.6.97 While withdrawing the Q.A. 484/94 there is no direction from this Hon'ble Tribunal giving the liberty to file a fresh Q.A. Hence the present Q.A. filed by the applicant is barred by limitation and it is not maintainable under Sec. 21 of A.T. Act 1985. It is further submitted that mere withdrawal without leave of this Tribunal to file a fresh Q.A. does not save the period of limitation. Hence the application is liable to be dismissed on the grounds of laches.

It is submitted that the applicant in the present Q.A. prayed for a direction to follow the guide lines given under Railway Board circular Dt. 01.12.93 and to review the marks allotted and to give weightage for officiating in higher grades with all consequential benefits. In this connection it is submitted that the above circular applicable to, for promotion with Group 'C' as per their avenue of promotions. In the instant case it is a selection to the post of Ticket Collectors from Group 'D' to Group 'C' against 33 1/3% departmental quota. In terms of para 189 of IREM (extract of para 189 of Indian Railway Establishment Manual Vol-I, 1989 edition is enclosed herewith and marked as Annexure-A. 1) the General Manager while consolidating various circulars issued time to time, had issued guideline which were circulated under Estt. Srl. No. 95/88 (Annexure-^{A-12}12) and the applicant is covered by those instructions and the selection was conducted in terms of extent instructions as such there is no illegality or irregularity in conducting the selection.

The applicant was a project casual labour and absorbed in Group 'D' post in Commercial Department

सहायक व्यक्ति अधिकारी
द. पू. रेलवे, बालदेह
Asst. Personnel Officer
S. E. Ry; WALTAR

... 3.
सहायक व्यक्ति अधिकारी
द. पू. रेलवे, बालदेह
Divisional Personnel Officer
S. E. Railway, Waltair

as per extent rules. In order to fill up the vacancies of Ticket Collectors in Scale Rs. 950-1500/- RPS a Notification was issued to different categories of Group 'D' staff of Commercial Department who have put in 3 years of service. Though the applicant was qualified in the written test he could not be empanelled in the final panel. Mere possessing the educational qualifications and seniority will not entitle the applicant for empanelment unless he secure the qualifying marks both in Viva-Voce and in aggregate. It is submitted that the suitability of the staff decided both on written test and Viva Voce and the staff should obtain 50% of marks are eligible to be called for Viva Voce test. For being placed in the panel the staff should necessarily should secure 50% marks in Viva Voce and 50% marks on aggregate. However on qualifying themselves both in written and Viva Voce the names are arranged in the order of seniority in Group 'D' category maintaining interse seniority but there are no sepezate marks for seniority in terms of Estt. Srl. No. 95/88.

The applicatns contention that 40% of marks are allotted for interview is baseless and denied. It can be seen from Estt. Srl. No. 95/88 25% of marks are allotted to Viva Voce test and 25% for record of service. Since there is no weightage for working or for seniority hence the applicants contention is not tenable. Since it is a promotional post from Group 'D' to Group 'C' suitability of the staff should be adjudged by written and Viva Voce and record of service in terms of the principles mentioned under Estt. Srl. No. 95/88 which was issued by the General Manager who is Competent Authority to frame rules in regarding selections of staff from Group 'D' to Group 'C'. The contention of the applicant

...4.

सहायक कार्मिक अधिकारी
द. पू. रेलवे, बालासे
Asst. Personnel Officer
S. E. Ry. Balasore

सहायक कार्मिक अधिकारी
द. पू. रेलवे, बालासे
Divisional Personnel Officer
S. E. Ry. Balasore

he was working as Ticket Collector in specifically denied. The applicant was never been given any such authority to act as Ticket Collector. In the instant case the selection is from Group 'D' to Group 'C' is a selection amongst different categories of Group 'D' and the panel had to be formed strictly on the basis of merit however the panel is prepared on the seniority amongst the selected candidates. Since the applicant could not qualify for empanelment since he failed to secure the requisite qualifying marks.

In reply to para 5 of the O.A. it is submitted that the judgement cited by the applicant are not relevant to the issue involved in the subject matter of the application and also the said judgement can not be made applicable in view of variance of the factual and rule position in the instant case. This respondent reply on the judgement of Lilladhar Vs. State of Rajasthan (1982 (1) SCR 320 wherein allocation of 25% of total marks for Viva Voce test and it was upheld as valid.

For the reasons stated above the applicant is not entitled to any relief claimed in the O.A. and the O.A. is devoid of any merit and the same is liable to be dismissed with costs and to pass such order or orders as deemed fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
this 30th day of March 1999 and
he signed his name in my presence.

DEPONENT

मंडल कार्यालय अधिकारी

द. पू. रेलवे, बालासोर

Divisional Personnel Officer
S. E. Railway, Waltair

Before me

ATTESTOR

...

सहायक कार्यालय अधिकारी
द. पू. रेलवे, बालासोर
Asst. Personnel Officer
S. E. Rly; WALTAIR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 1231/97

Between

Ch. J. Naidu

... Applicant

And

Union of India
Represented by General Manager,
South Eastern Railway,
Calcutta and 07 others.

... Respondents

List of documents enclosed to the reply statement by the
Respondents 1 to 3.

Sl. No.	Date	Particulars	Annexure and marked as
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1.		Extract of Para 189 of Indian Railway Establish- ment Manual - Volume-I (1989 Edition).	Annexure-A.1
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Places
Dates

Counsel for the Respondents

Annexure R.1

EXTRACT OF PARA 189 OF INDIAN RAILWAY ESTABLISHMENT
MANUAL VOLUME.I (1989 EDITION).

....

189. Promotion to higher grade in Group 'C':-

a. Railway servants in Group 'D' category for whom no regular avenue of promotion exists 33.1/3% of the vacancies in the lowest grade of Commercial Clerks, Ticket Collectors, Trains Clerks, Number Takers, Time Keepers, Fuel Checkers, Office Clerks, Typists and Stores Clerks etc. should be earmarked for promotion. The quota for promotion of Group 'D' staff in the Accounts Departments to Group 'C' post of Accounts Clerks will be 25%. Promotion to Group 'C' will be subject to the following conditions:-

i) All promotion should be made on the basis of selection. There should be written tests to assess the educational attainments of candidates followed by interviews where considered necessary. Group 'C' categories referred to above should be suitably linked with specified categories in the lower grades on broad affinity of work to form groups for promotion but it should be ensured that the prospects are made regularly equal in the different groups. The test should be correlated to the standards of proficiency that can reasonably be expected from railway servants who are generally non-matriculantes. The aim of the examiners should be to assess the general suitability of the class IV railway servants offering themselves for promotion to Class III posts from the point of view of their knowledge of English and their general standard of intelligence.

(1) Written test should consist of one paper of 3 hours. duration divided into two parts-part 'A' to test the working knowledge of the railway servant of the English Language and part 'B' his general standard of intelligence and proficiency through questions in Arithmetic, General Knowledge mainly pertaining to Railway matters and matters immediately pertaining to the work he has been acquainted with during his Railway service. In drawing up the questions it must be ensured that they are not set as such as a standard as to make it impracticable for a Group 'D' railway servant of average intelligence and normal standards of efficiency to qualify in the test.

(2) Oral test should adjudge other factors of suitability if so considered necessary by the General Manager.

(3) Selections may not be restricted to three times the number of vacancies but kept open to all eligible candidates who would like to be considered for such selection.

(4) All those who qualify in written and oral test, the qualifying percentage of marks being prescribed by the General Manager, should be arranged in the order of their seniority for promotion against the yearly vacancies available for them in Group 'C' categories. (Contd. 2)

सहायक कार्यालय अधिकारी
द. पू. रेलवे; बालासोर
Asst. Personnel Officer
E. Ry; WALTAR

IN- the CAT, Hsg

OA no. 1231 of 99

Reply statement by Respondents



Per
14
21/4/99

May be filed
5
214

Filed by
V. Bhargava
SC order


(ii) Group 'D' railway servants to be eligible for promotion to Group 'C' posts should have put in a minimum 3 years of continuous service. This does not apply to Scheduled Castes and Scheduled Tribes candidates.

(iii) (a) The standard of training imparted to the Group 'D' railway servants selected for Group 'C' posts should be the same as for direct recruits for the same Group 'C' categories and in the case of failures in the first attempt such employees may be given a second-chance to qualify.

(b) Group 'D' railway servants to be promoted as typists should have a minimum speed of 40 words per minute in type-writing as for direct recruits.

(c) Group 'D' railway servants when promoted to Group 'C' posts in the Accounts Department shall go through the same training and test and shall be subject to the same conditions of service as are in force for the new recruits. During the period of their training they would get as stipend the pay that they would have normally drawn on promotion to Group 'C'. All allowances like Dearness, Compensatory and House rent Allowances will be allowed to them at the scales applicable, had the stipend been treated as pay.

....


सहायक कार्मिक अधिकारी
द. पू. रेलवे; बालासोर
Asst. Personnel Officer
S. E. Ry; BALASOR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1231/97.

Dt. of Decision : 08-07-99.

Ch.Janardhan Naidu

..Applicant.

Vs

1. The Union of India, rep. by
the General Manager, SE Rly,
Calcutta-43.
2. The Divl.Rly.Manager,
SE.Railway, Visakhapatnam.
3. The Sr.Divl.Commercial Manager,
SE Rly, Visakhapatnam.
4. Surendranath Behara
5. T.V.Mouleswar Rao
6. S.V.B.S.Ganesh
7. V.Nageswar Rao
8. Balaji Vital

..Respondents.

Counsel for the applicant : Mr.C.Suryanarayana

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

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

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

R

..2/-

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J))


None for the applicant. Heard Mr.V.Bhimanna, learned counsel for the respondents. Notice sent to R-7 has been returned unserved. The applicant has not taken any steps to serve the notice on R-7.

2. Hence the OA is liable to be dismissed for non-joinder of the necessary parties.

3. It is also seen that the selection is from Group-D to Group-C. It is a selection post. It has been clearly stated that the applicant is governed by the instructions in the establishment Serial No.95/88 for promotion to Group-C posts. It is also stated that the applicant failed to get the necessary qualifying marks. The qualifying marks as per the Sl.Circular No.95/88 is 25% of marks allotted to viva-voce test and 25% for record of service and the applicant failed to come up in the viva-voce though he had qualified in the written test. Unless a candidate comes up both in the written and viva-voce tests in accordance with the rules he cannot aspire to become a Group-C service. Hence on the merit also the application is liable only to be dismissed.

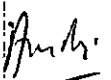
4. In view of what is stated above, the OA is dismissed. No costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

8/7/99
Dated : The 8th July, 1999.
(Dictated in the Open Court)

spr


12-7-99

1st AND IInd COURT.

COPY TO:-

1. HD/NJ

2. JHRP M(A)

3. HDSJP M(J)

4. D.R. (A)

5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D. H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMIN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

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

ORDER. Date. 8-7-99

ORDER / JUDGMENT

NA./RA./CP.NO

IN

DA.NO. 1231/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
श्रेष्ठ / DESPATCH

22 JUL 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HALA Bhavan, Opp:Public Garden, Hyderabad-500004.A.P.

ORIGINAL APPLICATION NO. 1231 OF 1997.

Applicant(S) Ch. Janardhana Naidu/s

Respondent(S)

General Manager, S.E.Rly, Calcutta & Ors

By Advocate Shri: Y. Subrahmanyam

(By/Central Govt. Standing Counsel)
Sri. V. Bhimanna, SC for Railways

To.

- ✓ R-1. General Manager, S.E.Rly, Union of India, Calcutta.
- ✓ R-2. Divisional Railway Manager, S.E. Railway, Visakhapatnam.
- ✓ R-3. Senior Divisional Commercial Manager, S.E. Railway, Visakhapatnam.
- ✓ R-4. Surendranath Benara, Ticket Collector, Sr.DCM's office, S.E. Railway, Visakhapatnam.
- ✓ R-5. T.V. Mouleswar Rao, Ticket Collector, Sr.DCM's Office, S.E. Railway, Visakhapatnam.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1965 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

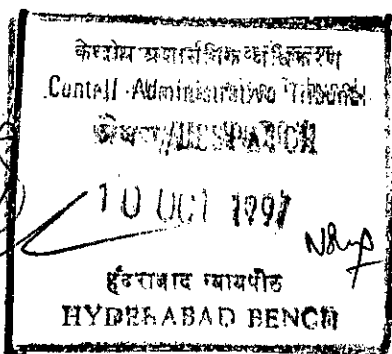
Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further notice.

Issued under my hand and the seal of the Tribunal
This the Eighteenth day of September 1997.

//BY ORDER OF THE TRIBUNAL//

Date: 7-10-1997.

FOR REGISTRAR.



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HALA Bhavan, Opp: Public Garden, Hyderabad-500004.A.P.

ORIGINAL APPLICATION NO. **1231** OF 1997.

Applicant(s) **Ch. Janardhana Naidu** V/S

Respondent(s)

General Manager, S.E.Rly, Calcutta & Ors.

By Advocate **Shri.Y.Subrahmanyam**

(By/Central Govt. Standing Counsel)
Sri. V.Rhimanna, SC for Rly.

To.

- A-6. Sri. S.V.B.S. Ganesh, Ticket Collector, Sr.DCM's Office, S.E.Rly, Visakhapatnam.**
- A-7. Sri. V.Nageswar Rao, Ticket collector, Sr.DCM's Office, S.E.Rly, Visakhapatnam.**
- A-8. Sri. Balaji Vitel, Ticket collector, Sr.DCM's Office, S.E. Railway, Visakhapatnam.**

Whereas an application filed by the above named applicant under Section 19 of the Central Administrative Tribunal Act, 1985 as in the copy annexed herewith has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal
This the **Eighteenth** day of **September**, 1997.

//BY ORDER OF THE TRIBUNAL//

Date: **7-10-1997.**

FOR REGISTRAR.



FORM OF VAKALATHANAMA

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL/STATE
ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH - CUTTACK BENCH
HYDERABAD/CUTTACK.

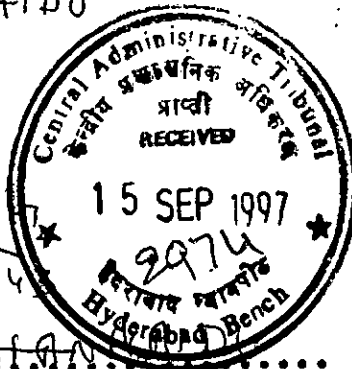
O.A.No. 1231 | 97
R.A.No. | 97
C.P.No. | 97
P.T.No. | 97

Between:

CH. JANARDHAN NAIDU

Applicant/
Petitioner

A N D
Union of India Rep. by
GENERAL MANAGER
S.E.Rly - CALCUTTA-4



Respondents:

I, CH. JANARDHAN NAIDU Applicant No. I.....

Respondent No. x..... in the above application/petition do
hereby appoint and retain Sri Y. SUBRAHMANYAM and K. VENKATESWARA
..... Advocates to appear, plead and Act for
me/us in the above application/petition and to conduct and
prosecute all proceedings that may be taken in respect there
of including contempt of court petition and review application
arising there from and applications for return of documents
enter into compromise and to draw any moneys payable to me/
us in the said proceedings.

x

Signature of the Party

Place:

Date :

Executed in my presence.

"Accepted"

Signature with date
(Name & Designation)

~~Signature with date~~

Y. SUBRAHMANYAM, Advocate
(Signature with name of Advocate)

Name & Address of the
Advocate for service

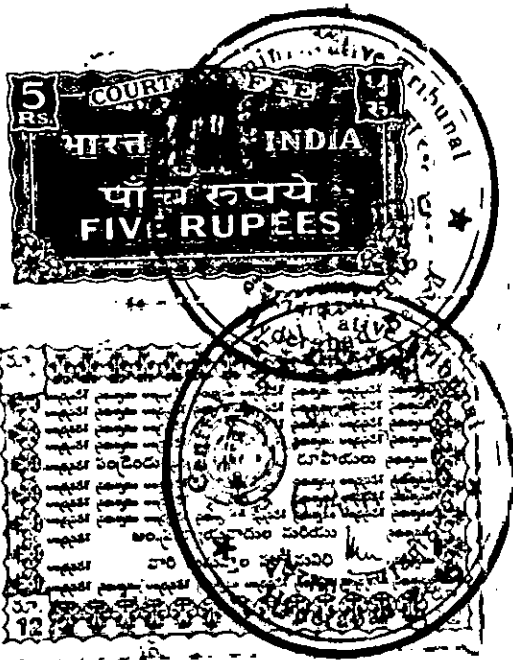
Y. SUBRAHMANYAM, Advocate
D.No. 45-58-7, Narasimhanagar
Visakhapatnam-24. Ph: 549143

K. Venkateswara
15/9/97
Accepted

The contents of the Vakalat were truly and audibly read
over translated into language known to the
party executed the Vakalath and he seems to have understood
the same.

(To be given in respect of party unacquainted with the language
of the Vakalath or is blind or illiterate)

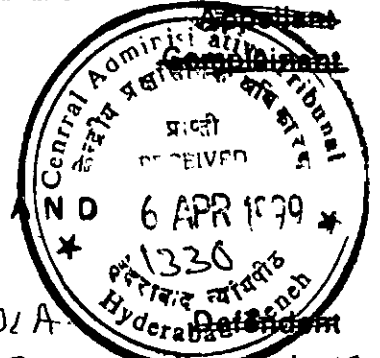
N. Syamala devi
Advocate 99.11.97
Signature with date
(Name and Designation).



In the Court of the CENTRAL
ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

O A No. 1231/1997

Between : CH JAWARDHAN NAIDU ^{Plaintiff}
_{Applicant}



UNION OF INDIA
AND OTHERS

^{Respondents}
_{Accused}

VAKALAT

(C. S. S. S. S.)
(C. SURYANARAYANA)
Advocate, Hyderabad
P. Ullathiravath
(P. VENKATESWARA RAO)
Advocate, Hyderabad

Advocate for : APPLICANT

Address for Service :

C. SURYANARAYANA, B.Sc., LL.B.,
ADVOCATE
162, SRINILAYAM, SRI SRI MARG,
STREET 4, LANE 5, GAGANMAHAL,
HYDERABAD-500 029. (Ph: 040-7437075)

74317

In the ~~Court of the~~ CENTRAL ADMINISTRATIVE TRIBUNAL

AT HYDERABAD.

No. 1231 of 1997

CH. JANARDHAN NAIDU

APPLICANT

Plaintiff

Appellant

AND

UNION OF INDIA and others

Defendant

Respondent

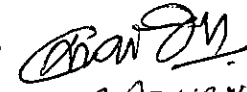
I/We

CH JANARDHAN NAIDU

do hereby appoint and retain


C. SURYANARAYANA, B.Sc., LL.B.,
ADVOCATE, HYDERABAD
AND
A. VENKATESWARA RAO, B.Com., B.L.,
ADVOCATE, HYDERABAD

Advocate/s to appear for me/us in the above suit/case and to conduct and prosecute [or defend] the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein, I/We empower my/our Advocates to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted to compromise and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or of matter [and] I/We do further empower my/our Advocates to accept on my/our behalf, service of notice of all or any appeals or petitions filed in any court of Appeal. Reference or Revision with regard to the said suit or matter before the disposal of the same in this Honourable Court.

x 
(CH. JANARDHAN NAIDU)

Certified that the executant who is well acquainted with English/Urdu/Telugu and this Vakalatnama and the contents of the Vakalatnama have been read out and explained in Telugu/Urdu to executant as he/she they being unacquainted with English who appeared perfectly to understand the same and signed or put his/her/their name or mark in my presence identified by

Executed this 15th day of April, 1997

2. R. S. 
Advocate, Hyderabad.

ON the CAT, H99

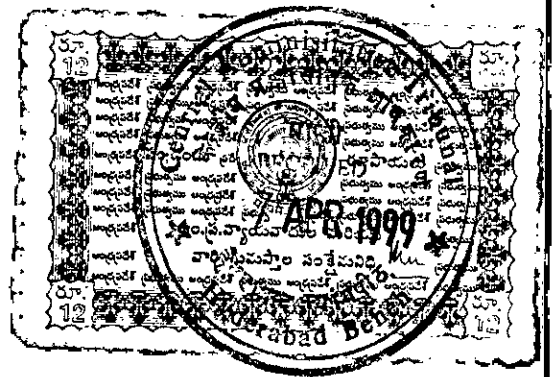
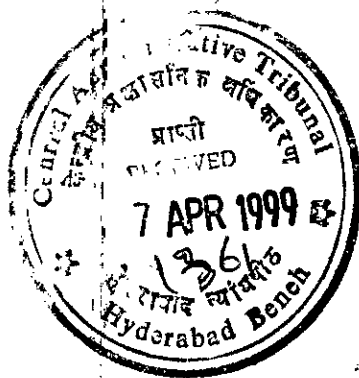
CA No 1231 of 97

Memo of Appearance

Filed by

V. Shrinani

SC for Dy



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

MEMO OF APPEARANCE

BETWEEN:

CA No 1231 of 87

Ch. J. Naidu

Applicant(s)

and

UCI Rep by GM, SE Dy, C-letting
and other Respondents

To,

The Registrar,
Central Administrative Tribunal,
Hyderabad.

Sir,

I, V. BHIMANNA, Advocate, having been authorised
by the Central Government, notified under 14 of the
Administrative Tribunals Act, 1985, hereby appear for
the respondents and undertake to plead and act for them
in all matters in the above said case.

Hyderabad,

Dated: 7-4-99

V. Bhimanna
(V. Bhimanna)
Addl. CGSC/SC for Railways

Address of the Counsel:

203, Renuka Shakti Apts,
King Koti Road, Basheerbagh,
Hyderabad-500 029.