

FORM NO. 21.

(Sec. Rule) 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.O.A. No.

1231

1997

Ch. J. Naidu.

Applicants.

Versus

G. M. SE Aby, Calcutta & 7 others

Respondent (s)

INDEX SHEET

S. Sl. No.	Description of documents & Date	Pages.
1.	Docket orders.	163
2.	Interim Orders.	
3.	Orders In M.A. (s)	
4.	Reply Statements. 7-4-99.	36 to 41
5.	Rejoinder.	
6.	Orders in (final Orders) 8-7-99.	42 to 46 nos.

29/7/99
Signature of dealing Head
in Record Section.

Signature of S.O.

OA 1231/92

26/4/99:

The Registry is very careless in listing and indicating 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. Suryanarayane should be put up to me for information.

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

Explain to
HM (A1) in
Denn.
H
26/4/99.

3/6/99

R
HBSP
M(S)

HRN
M(S)

DS

list it on 7/6/99.

R
HBSP
H.O.

R
HRN
(A)

7.6.99

Adjudg'd 5 17.6.99

HBSP
H.O.
B
HRN
M(S)

08:1221/92

21/6/99

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

J
HSSP
m/s

N
HRRV
m/s

Drs

8-7-99

① A dismissed,
Order side separate
sheets, no costs.

J
HSSP
m/s

2
HRRV
m/s

OA 12/31/97

DATE

OFFICE NOTE

ORDER OF THE TRIBUNAL

5/2/99

Issue on 10/2/99.

Pr
HBSSP
M(S)

HRDN
M(A)

Pr

23-2-99.

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

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

Pr
HBSSP
M(S)

(1)✓
HRDN
M(A)

4-3-99

Post it on 11-3-99.

Booray

HBSSP

HRDN

M(S)

M(A)

19/3/99.

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

2/99
HRDN

HBSSP
M(S)

HRDN
M(A)

DATE

OFFICE NOTE

OA. 1234/97

ORDER OF THE TRIBUNAL

82/3/99

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

R
HBSJP
M(O)

HRRN
M(A)

6-4-99

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

R
HBSJP
M(O)

HRRN
M(A)

9/4/99

list it on 21/4/99

R
HBSJP
M(O)

23-4-99

list it on 21/4/99
on mon
at 10:30 AM

R
HBSJP
M(O)

SSS

Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C.A. No.

1231

of 1297

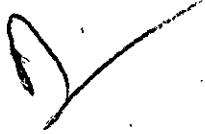
Ch. Janardhana Naidu

Applicant(s).

VERSUS.

The General Manager, S.E.I.T., ~~2~~ Calcutta & 7th

(Respondents).

Date	Office Note.	ORDER
18-9-97	Admit/Notice on 22/9/97 Issued 8/10/97	Heard S/o Y. Subrahmanyam for the applicant and S/o V. Bhimanna for the respon- dents. 2. Admit.  HRS:SP M(S)
17/3/98	Before Dy. Regn. NOTICE served on R.6 R.6 and R.8. The notice sent to R.7 has been returned un- served with an endorse- ment of the Postal Author- ity which is as follows:- "The addressee not claimed. Hence 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 side so far call on 21/4/98 for memo and reply. M.W Dy. Regn	D HAN M(A)

09.1231/97

Date	Office Note	Orders
21-4-98	None present Call on 9-6-98 for memo and Reply. <i>Am J</i> D.R.	
16/6/98	None present. Call on 21/7/98 for memo & Reply. <i>Am J</i> D.Y. Negr. <i>DSW</i>	
21-7-98	None present Call on 25-8-98 for memo & Reply. <i>Am J</i> D.R.	
1-9-98	None present Call on 6-10-98 for memo & Reply. <i>Am J</i> D.R.	
27-10-98	None present. Include it in the ready list of 19-97. <i>Am J</i> D.R.	<u>6.1.99</u>

Post this O.A. on 2.6.99. No
further action required.

Am
H.B.S.P
H (V)

✓
BRAV
M/S

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1231 OF 1997.

Ch. Tavandkhan Nalay

(Applicants(s)

VERSUS.

Union of India, Repd. by.

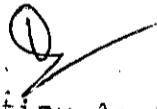
General Manager, SE Railway,

Calcutta - 43. 8. 7. m

Respondent(s).

The application has been submitted to the Tribunal by
Shri Y. Subrahmanyam 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.


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested *Y* *Y* been filed.
12. Has the applicant exhausted all available remedies. *Y* *Y*
13. Has the Index of documents been filed and pagination *Y* *Y* done properly.
14. Has the declaration as is required by item No. 7 of *Y* *Y* form 1 been made.
15. Have required number of envelops (file size) bearing *Y* *Y* full addresses of the respondents been filed.
16. (a) Whether the relief sought for, arise out of *Y* *Y* single cause of action.
(b) Whether any interim relief is prayed for, *Y*
17. (c) In case an MA for coronation of delay is filed, *Y* *Y* it supported by an affidavit of the applicant.
18. Whether this cause be heard by single Bench. *N* *Y*
19. Any other points. *Y*
20. Result of the Scrutiny with initial of the scrutiny *Y* *Y* clerk
May be witnessed by
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Case No. 2974/97

Report in the Scrutiny of Application.

Presented by Sh. Y. Subrahmanyam, A.M. Date of Presentation.

Applicant(s) Sh. Jamandhara Wardey.

15/9/97

Respondent(s) General Manager, S&E Bld, Calcutta 43875

Nature or grievance Appointment

No. of Applicants 1 No. of Respondents 8

Subject Appointment CLASSIFICATION
(No) Department Railways. (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 order's original, duly attested legible copy been filed. Y

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

INDEX

Case No. 1231 of 1997.

Cause Title Ch. J. Naidu

V. A. S. U. S.

In Gr. M, SER, cabitta & 7 ott

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.	Spore Copies 8. (Eight)	
6.	Covers 8. A	
7.	Rep. Statement filed by Mr. B. Bhimamman on 7/4/98	

01 **विभिन्न विभिन्न**

10. **REASON FOR REJECTION** (check one or more)
a. **REASONABLE DURATION**
b. **EXCESSIVE BURDEN**
c. **EXCESSIVE COST**
d. **EXCESSIVE RISK**
e. **EXCESSIVE VARIABILITY**
f. **EXCESSIVE VOLUME**
g. **EXCESSIVE WEIGHT**
h. **EXCESSIVE VOLUME**

TUR

VESTIGIA VULGARIA PUBLIUS TIBERIUS CLODII JASPER V. L. VOL. 1852

8) **W**hat is the best way to increase the
longer coffee cup? **A** Increase the
number of cups to satisfy the
customers.

9) **W**hat is the best way to increase the
number of cups to satisfy the
customers? **A** Increase the
number of cups to satisfy the
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10) **W**hat is the best way to increase the
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19) **W**hat is the best way to increase the
number of cups to satisfy the
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customers.

20) **W**hat is the best way to increase the
number of cups to satisfy the
customers? **A** Increase the
number of cups to satisfy the
customers.

Author of quote = quoteauthor

卷二

QUESTION:

OCTOBER 1960

BEFORE THE HONORABLE COMMISSIONER OF THE STATE OF NEW YORK.

to submit him subsequently to follow the guidelines given with Rly Board Circular dt 1-12-93 and within the marks allotted to him applicant, to give preference to the officiating in higher grade etc and arrange for applicant name at appropriate place and appointment from the date his services were promoted with all consequential benefits etc.

Bench BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH & HYDERABAD.

O.A. No. 1231/97

Appointment (5)(c)

Railway/RAILWAY

Railways (32)

Between:

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

.. Applicant

AND

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

Index

S.No.	Date	Brief description of Proceedings/Documents	Annex.	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 ...2.

: 2 :

03	11-01-88	Provisional Post panel	A/2	10
03	22-02-90	Circular inviting application 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 empanelled staff	A/4	12
06	20-10-93	Circular inviting applications 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
08	19-04-93	Approved provisional panel Serial No.5 & 6 of approved panel are juniors to applicants. As per call list applicat is at Sr.No.8 of call list and respondents 5 & 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 juniors to applicant whose seniority was 4	A/9	17
11		SLJ 1994 (1) SC P 188	A/10	18
12		AJAAI HASIA VS. KHALIDMUJIB SHERVARDI and others (1981 SC 487, 1981 (2) SLJ SC 651) Service Law Reference (P 986)	A/11	19
13	20-04-88	Boards letter circulated under Estt. Sr.No.95/88	A/12	20
14	01-12-93	Rly. Boards No.E/NG dt. 1-12-93	1/90/PM/8/8 S.No.173/93.	A/13
15.	28-02-92	Jdg. Hon'ble CAT -ENR ATR/1992-CAT -ERN, Page.2 128	A/14	21
16	25-6-97	Judge want of Hon'ble CAT-Hyderabad in O.A 4t84/94	A/15	22

Y. Subrahmanyam
E.C.M; E.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	X Casual labour	
02	16-07-73 to 17-07-80	X Reappointed	
03	18-09-80 to 05-05-83	X 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 Attendant Scale 750-940	
07	01-03-93	Jr. Coach Attendant	
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.

(For office use only)

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

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

O.A. No.1231 | 97

Between:

Ch. Janardhan Naidu, S/o Seetanna,
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,
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- 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 1993 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 case is off*

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 13-06-82 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 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 ~~examiner~~ ^{Caretaker} in scale 750-940 (RPS) and 1st Class ~~Conductor~~ ^{Coach} 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 interview which is violation of Supreme Courts orders.

<u>Date of Exam</u>	<u>Results</u>
October, 1986	Declared as passed in written test
26-12-1987	and not included in panel after viva
20-03-1990	voice examination. Since these panels were drawn strictly according to seniority no room for complaint.
23-01-1993	Declared as passed in written examination but not empanelled after viva
18-12-1993	voice for which 60% for written and 40% for viva voice were allotted scant regarding given for record of service and seniority despite passing written examination 5 times and possessing 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 ~~xx~~ 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. The panels conducted on 23-01-1993 and 18-12-93 are done apparently boosting the interview 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~~ more than the required minimum over juniors selected and ~~some~~ of the juniors may not find place in ~~the~~ 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 Collector whenever no Ticket Examiner reports on train. Thus his experience also merits weightage under record of service which has ~~not~~ not apparently been given. If the weightage is not given and considered staff in lower scale Rs.750-940 as well as higher scale 775-1025 (RPS) on the same footing ^{unequals and as equals} it tantamounts to treating ~~unequals~~ which is a violation of Art. 14 of Constitution of India as is 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 ~~is~~ 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.434/94 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 ~~is~~ 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 say ~~at~~ ^{15%} of the total marks, ~~bound~~ the applicant was ~~bound~~ 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 (1) SC 198.

In case of Ajay Hasia etc. V. Khalid Mujib Sehrvadi and others AIR 1981 SC 487: 1981 (1) Sec.722; 1981 Sec.(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 ~~as~~ ^{at} ~~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 - Eernakulam in case of N. Chandrasekharan and others Vs. Chairman, ISRO & Others decided on 28-2-92 held that unless exceptional circumstances obtain, the interviewee 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 the Hon'ble Tribunal may be pleased to fix for communicating the orders.

Arrange issue of posting orders from the date juniors

: 6 :

~~were~~
~~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:-

1. I.P.O./B.D. No. 4824 111	dt. 2-4-97	for Rs. 65/-	50/5
4 50 43/615	4 13. 3. 97		
4 6 24. 112			
2. Name of Post Office/Bank Branch which issued IPO/B.D.	2-4-97	Sub Post office KAKKALYALATE-Vill. Akkakalay Sendai post office	5/- 155/- 6/10/-
3. Whether Crossed or not:	yes	4/standard	
4. Post Office/Bank at which payable:	HYDERABAD	1/	Rs. 65/-

U.P.O./B.D./Branch

.....?

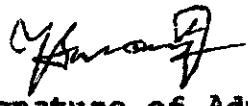
118/1

11) List of enclosures:

- 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 Applicant.


Signature of Advocate.

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.



Signature of Applicant.

A/1

59

South Eastern Railway

To

CGS-I/WM/Y-TP

No. WPY/612/87

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

To

CGS-I/WM/Y-TP, VZT(G), CI(T) VZT(T),
SS(G)WAT, SS/TIG, NWP, JYP, PVF, KVAR,
DCS-WAT, DCS(Stores)WAT.

Re: Selection for promotion from Class-IV to
Class-III (Canal) 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 written-Voice test on 06-1-88 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 26-12-87.

S/No.

1. L. Ch. Dikshitulu X
2. V. Gopalaraao X
3. M. V. M. Haswararao
4. Khigim Shariff
5. M. S. Prakasaraao
6. M. Jazeer Ahmad
7. M. Apoala Naidu
8. M. S. Venkateswararao
9. M. Jayanarayana
10. S. Gunnaswaraao
11. M. Suryanarayana
12. P. S. Janardhanarao
13. Venkatarao R
14. P. H. ...sico
15. P. Guribabu
16. S. G. Prasadaraao
17. P. Seshagiri Rao
18. P. Prasadaraao
19. E. Sri Venkateswararao
20. D. Eswararao 6
21. M. R. Chowdhary
22. R. Venkatesha Naidu X
23. S. Joseph
24. P. Allasonath Kumar 8
25. H. Venkatarao 7
26. A. Ramarao
27. M. Srinivas
28. T. Rajarao
29. T. Srinivasarao 6
30. A. Ramana Kumar 11
31. C. Bhadrabha Naidu

FCC(W)/WAT

Porter SC(G)WAT

FCC(W)/WAT

Porter, SS(G)WAT

" WMY-TP

Porter, WMY-TP/CL-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 WAT-TP

Porter CI(T)VZT

Porter WAT-TP

Porter/VZT

Core Taker, SS(G)/WAT

Divt. P. & S. Office,
Waltair.

ATTESTED

Y. SUBRAHMANYAM
AD. CLERK

A/2

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, DCS-WAT.

Reg: Selection for promotion to the post of
Ticket Collector from Class-IV to Class-III
against dep'tt. st. 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. Gopalarao
3. M. V. Maheswararao
4. Khashim Shariff
5. M. S. Prakasarao
6. Nazeer Ahmad
7. M. Appala Naidu
8. P. Syamasundararao

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

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

June 11/108
/Divl. Personnel Officer,
Waltair.

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

Staff concerned
Copy forwarded
On behalf of
W.M.Y.

14-1-88

ATTESTED

[Signature]
K. SUMAIAH NYAM
ADVOCATE

1/3
F2/11
SOUTH EASTERN RAILWAY.

To CGS-I/ADM YFP

No. WPY/612/89.

The CTI(T/C)WAT, CSC, I.A.M.T & VZP, SS(G)VSKP,
SS/VZM, TIG PVP, CSC, CTI WAT.

Office of the
Div. Mgr, Manager (P)
Vizair, Dt: 22-2-90.

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' Commr, 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 in this connection. Please note that there will not be any supplementary test in this connection.

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

Necessary identification letters may be sent along with them.

DCS/WAT.

Mr.
for
inform
and
by 2/3/90

Div. PERSONNEL OFFICER WAT

ATTESTED
Y. S. SURENDRA
ADVOCATE

A.Y

12/18
143

S. E. Railway

Memorandum
No. WPY/612/89

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

Reg: Selection for promotion to the post of Ticket Collector in scale 1,950-1500 (APS) 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 1,950-1500 (APS) 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	FOCA, I/WAT
2. P. Narayana Rao	FOCA, II/WAT
3. M. N. Murty	Sr. Porter/ MY-TP under CI/WAT
4. P. Kailasanadha Kumar	Sr. Porter/ MY-TP
5. P. Prasada Rao	TTE Porter under CTI (TC)/WAT
6. N. Venkata Rao	Porter/VIM
7. R. Rama Rao	Porter/VZT
8. T. Srinivasa Rao	Porter/WMY-TP
9. Ch. Kameswara Rao	WNB/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
CCG, I-WMY-TP & VZT SS/VZM
SE/DCS/WAT, OS, BS, VI P/Files and C. O. File.

Divl. Personnel Officer/Waltair

rlk/

ATTESTED
Y. SUBRAHMANYAM
ADVOCATE

815. CII (Incharge) WAT

No. 114/612/89

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

20. 100 (Gaz) VSKP, CII/Incharge/WAT.

21. Sr. CTC/EP, CGS-I/IMY-TP, VZT(G) & VSKP.

22. SS-D, SS-EM & V2M GVI CHE NLP VIL PVP PVPT RGDA

23. 2ND DIV KENG TIG KBJ KRAR KMK BGBR M3MD MNHD MNHD

(L.G. DITTING) ARK KRPV JYP SXV (NALCO NAD SUNABEDA SDG)

24. DB-ECI & KRIL. GSR/KRPV (Damanjodi Sdg) CGS-II/DSK Sdg.

25. I. MGT & Complaints, CI (KK) CI-I/V21, KRIL, CI-III/VZT(T)

CI-III) Para C, C-I, C-II, C-III, CI-VZT(T), CTC/SOM.

26. Sr. DCM (Stores) WAT, CTC/PVPT, GSR/HES Sdg, Clerk Incharge/SDMN.

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 Department 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 Vivo-voce Test.

CATEGORY OF STAFF ELIGIBLE

S.No. Category	Scale	S.No. Category	Scale
1. Porter	8.800-1150	13. Watchman (Care Taker)	775-1025/750-940
2. Porter Muccadum	-do-	14. Waterman-Cun-Homal	-do-
3. First Class	-do-	15. Inspectors Peon	-do-
Coach Attendant-I	-do-	16. Record Sorter	I
4. First Class Coach	-do-	17. Dak Sorter	I 800-1150
Attendant-II	775-1025	18. Comml. Courier	X
5. T.M.	-do-/750-940	19. G.T. Operator	X
6. T.E. Porter	-do-	20. Sr. Record Sorter	X
7. Goods Shed Peon	-do-	21. Stores Issuer	X
8. T.E. Kest Room	-do-	22. Sr. Dak Sorter	825-1200
Bearers	-do-	23. Comml. Courier	
9. Waiting Room Bearer/-do-		24. GT Operator	950-1400
Ayahs			
10. Safaiwala	-do-		
11. Porters/Hamals/	-do-		
TTE Hamals	-do-		
12. Station Peon	-do-		

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
- 7) Date of promotion to the present grade (8) Office/Station where now working.

Signature

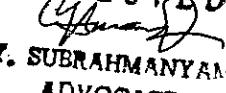
Officer under whom
working with office stamp.

Signature of the applicant



Divl. Personnel Officer/Waltair

ATTESTED


T. SUBRAHMANYAM
ADVOCATE

1. B. Nagabhupana Rao.	Porter/MT/TP
2. S. Sundranath Behara	-U.T.
3. V. Ramamurthy	Porter/ V&TP
4. T. V. Nageswara Rao	Porter/ V&TP (U)
5. P. Papa Rao	Peon/ U.T.
6. B. Narasinga Rao	Porter/ V&TP
7. A. Suryanarayana	Porter/ V&TP
8. L. Venkata Ramana	Porter/ V&TP (U)
9. S. Appala Naidu	Peon/ U.T.
10. V. Jagannatha Rao	Porter/ V&TP
11. P. V. Seddu Rao	Porter/ V&TP
12. C. Venkateswar Rao	Porter/ V&TP
13. V. B. Ramakrishna	Peon/ V&TP
14. N. Prabhakara Rao	Peon/ V&TP
15. Ch. J. Venkateswar Rao	Porter/ V&TP
16. K. Jayendrappa Rao (SC)	Porter/ V&TP
17. M. Sri Ramamurthy (SC)	Porter/ V&TP

104. Item No. 24 & 25 have been skilled for viva-voca t at sind qualified on relax standrd.

12/3/93
DIVL. PERSONNEL OFFICER/ M.T.

Copy to S.R. L.G.O./M.T. for instructions.

IND/612/6/98

1088/ Not clear.

10/12/93/ PM/ 4.30 P.M.

ATTESTED

Y. SUBRAHMANYAM
ADVOCATE

295

295

W.P.Y/612/BC

To

Sr. CTG. M.T, CGS-I/...Y-TP, VZT(1) & VMPs,
SS/Dy. SS, GMs-VZM, CYI, CME, MIP, VUL, PVP,
PVP (1), RGD., SPRD, T V, ...U,
TIG, R.D.J, UCR, UDC, ...SMD, ...NDI, ...NDH (LPU
Zettling), RPK, KRPB, JYP,
SXB (14), Sugabeda (14)

JDS, ECR & KRDL,
GSR/ARPU (Damenjodi 14), CGS-II, ...L Sdg.,
CI-I/M.T & Complaints, CI-UK, TWT, CI-I/VZM,
CI-I/RGD., MSMD, CI-VZM, CI-III (Panel out),
Sr. DPM (Stores), M.T, CIC/PVPT, GSR/MS Sdg.

Office of the
HIVL.Rly. Manager (P)
Mumbai, Dt 11-3-93.

A/6

14

13

620/4

Jan 1993

Sub: Promotion of Class IV Staff to Class III
Ticket Collectors in scale Rs. 950-1500 (RPS)
against Departmental Quota.

Ref: 1. This Office letter No. W.P.Y/612/89
dt. 24-3-92 and letter of even No.
dt. 27-3-92.

2. This office letter No. W.P.Y/612/89 dt 21-12-92.

It is proposed to hold the viva-voce test in connection
with the Selection to the post of Ticket Collector in scale
Rs. 950-1500 (RPS) From Group 'D' to Group 'C' - Commercial
in this office.

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.

Please note that there will not be any Supplementary
test in this connection.

Sl.

Name,

S/Siri

Qualification

1. C. Megavathi Rao

2. S. Guneswara Rao

3. C. Raghunatha Rao

4. ...Rao

5. G. Jayamohan Rao

6. R. Ramana Kumar

7. ...Thaviteiah

8. ...Rao

9. C. Venkatesh Rao

10. ...Rao

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AM7

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. Narayana Rao	.. -do-
4. A. Thavitaiah	.. -do-
5. Surendranath Behera	.. Sr. Porter-NWP
6. T. V. Mouleswararao	.. Porter/WMY TP .. 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.

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.

Divl. Personnel Officer/Waltair.

ATTESTED
Y. SUBRAHMANYAM
ADVOCATE

No. WPY/612/93

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

To

SE(GAZ)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, KANG, TIC, KBJ, KRAR, KMK, BGBR, MSMD,
 MNDH, MNDH(LPG BOTTING) ARK, KRPV, JYP, SXV(NALCO
 NAD, SUNABEDA SDG)
 JDB, BCNL, KRDL, GSR/KRPV(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, GSR/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.

Refd This office letter No. WPY/612/89 Dt. 20.10.93
 2 This office Lr No.WPY/512/93 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 supplemental
 viva-voce test in this connection.

S.l.N.	Name	Designation/Stn
1.	S/Sri, S.Gunneswararao	FCCA-I/WAT
2.	R.Vasanta Naidu	Sr.Porter/PVP
3.	K.Ramarakumar	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 Praohakararao	peon/WAT
8.	P Balaji Vithal	porter WMY-TP
9.	V Brahmaji	Porter WMY-TP
10.	M Krishnamaraju	Porter WMY-TP
11.	B.H.Narasingarao	Porter VZT-(T)
12.	R.Suryanarayana	Porter VSKP
13.	B.Appalanaidu	Peon WAT-KK
14.	V Nageswara rao	Porter WMY-TP
15.	P.V.Sadhurao	Porter NWP
16.	MB.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.

Chennai
 E. SUBRAHMANYAM
 ADVOCATE

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ff

S.E.Rai

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/Sl

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.Prahbakararao	.. 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 (Bee 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.

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.

Nal
Divl.Personnel Officer/WAT.

ATTESTED

Y. Subrahmanyam
Y. SUBRAHMANYAM
ADVOCATE

A.Y. 1/82

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. Chitalekha & 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 Maghu etc. v. State of Jammu & Kashmir and Ors., 1980 (3) SCR 1253.
4. Ajay Hasta etc. v. Khalid Mujib Schravardi & 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. etc. v. State of Haryana and Ors., etc. 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. Mehmood Alam Tarig and Ors. etc. v. State of Rajasthan & Ors., etc. 1988 Supp. (1) SCR 379.
12. Ashok alias Somantha Gowda and Another v. State of Karnataka and Ors., 1992 (1) SCC 28.

Advocates :

For the Appellant : Mr. P.P. Rao, Sr. Advocate, Dr. Suman 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

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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. Chitralekha & 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 and 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 *Periakaruppan 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)".

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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. etc. v. State of Haryana and Ors. etc. 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 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 very 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 100 and 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 qu

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.

Petition dismissed

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

Decided on 25.2.1993

(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.

—Petitioner

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

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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 MUJAHID SEHRVARDI and others - AIR 1981 SC 487, 1981 (2) SLJ 651 (SC)

(Service Law Reference P. 986).

ATTESTED
Y. SUBRAHMANYAM
ADVOCATE

Ref. No: 90/68

1922/4/16/112

Dated 22/4/68

Selection Procedure-Group 'B' (Class-IV)
to Group 'C' (Class-III) against
Departmental quota

Ref. No: 90/68

dated 22/4/68

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

1. Lett. Srl. No: 227/39 (Rly. Board's letter)
2. Lett. Srl. No: 130/68
3. Lett. Srl. No: 132/68
4. Lett. Srl. No: 62/61
5. Lett. Srl. No: 107/61
6. Lett. Srl. No: 43/63 (Rly. Board's letter)
7. Lett. Srl. No: 136/68

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 (v) of Lett. Srl. No: 133/68 that the competent authority ordering the selection can adjudicate 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 'B' to Group 'C' against Departmental quota. In order to remove doubt 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

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 in 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 'C' category maintaining inter-seiority.

These orders are effective from 3-4-68, the date of approval by General Manager and is applicable for all selections that are notified on or after 3-4-68. Selections already processed and partly finalised should be concluded as per previous instructions and policy locally adopted.

True Copy
Attested
N. G. Rallan, Warden

Human Resources
S. G. Rallan, Warden

ATTESTED

Y. S. SUBRAHMANYAM
Y. S. 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/PM/1-6/1 of 30-3-85 *Bahri's* 95/85 & E(NG)I/85/PM1/13 (RR) 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

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PROMOTIONS AND SELECTIONS

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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.

ATTESTED

✓ 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.

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

Y. SUBRAHMANYAM

ADVOCATE

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Ap/4

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. Mumindra 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. Mehamood Alam Tariq Vs. State of Rajasthan
1988 (3) SCC 241.

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
		100
		=====

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.

JUDGMENT

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

The two applicants before us are Purchase

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 MEHAMMOOD 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 converted 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.

ATTESTED

[Signature]
V. SUBRAHMANYAM
ADVOCATE

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 Shesh 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

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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

कानूनी अधिकारी
COURT OFFICER
केंद्रीय राजनीतिक विकाराल
Central Administrative Tribunal
फैसलाबाद
HYDERABAD BENCH

प्राप्त नम्बर	CASE NUMBER	04181/94
दिनांक	Date of Judgement	26.6.94
मुद्रा राशि रुपय से	Amount in Rupees	7.92
Copy Mailed to [Signature] on 27.7.94		

ATTESTED
Y. SUBRAHMANYAM
ADVOCATE

AD. J.M.
Court Officer (मुद्रा विकाराल)
Court Officer (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION NO.484-OP-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.CV 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

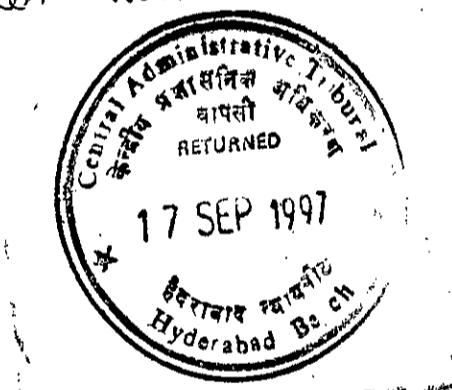
Date:

To Mr. G. 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 OA was been withdrawn as per order of Hon'ble Tribunal dt. 25.6.97. This fact could not be established by personal order, clarify.

or
How our application is ~~submitted~~ ^{in time} as the unsigned order was made on 28.3.94.



Aray

DEPUTY REGISTRAR (JUDL)

17/9/97

objection complies
with
affidavit
Advocate

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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
Murty 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
aforement in this Q. A. are denied and disputed save
these are specifically admitted therein. The applicant
put to strict proof of all such ament 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

Conc.


सहायक कार्यालयिक अधिकारी
द. पू. रेल्वे: वालतार
Asst. Personnel Officer
S. E. Railway; WALTAIR


संडल कार्यालयिक अधिकारी
द. पू. रेल्वे, वालतार
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 ~~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-R. 1) the General Manager while considering various circulars issued time to time, had issued guideline which were circulated under Estt. Srl. No. 93/88 A-12 (Annexure-12) and the applicant is covered by those instructions and the selection was conducted in terms of extent instructions as such there is no ~~the~~ illegality or irregularity in conducting the selection.

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

Re
सहायक कार्यालय अधिकारी
द. पू. र. वे; वालदेश
Asst. Personnel Officer
S. E. Rly; WALTAIR

... 3.
मंडल कार्यालय अधिकारी
द. पू. र. लने, वालदेश
Divisional Personnel Officer
S. E. Railway, Walair

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. Merely 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 separate 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 कामिक अधिकारी
द. प. रेड्डे, वालतोर
Asst. P. & M. Officer
S. E. Rly., Mysore

मडल कामिक अधिकारी
द. प. रेड्डे, वालतोर
Divisional Personnel Officer
S. E. Railway, Mysore

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 Q.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 Liladhar 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 Q.A. and the Q.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.

DEPONENT

मडल कार्पोरेशन अधिकारी

द. पू. रेलने, वालतेल

Divisional Personnel Officer

S. E. Railway, Waltair

Solemnly and sincerely affirmed

this 30th day of March 1999 and

he signed his name in my presence.

Before me

ATTESTOR

...
सहायक कार्पोरेशन अधिकारी
द. पू. रेलने, वालतेल
Asst. Personnel Officer
S. E. Rly, WALTAIR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD

Q.A. 1231/97

Between

Ch. J. Naidu

... Appellants

and

Union of India

Represented by General Manager,
Goth Eastm Railways,

Calcutta and 07 others.

... Respondents

list of documents enclosed to the reply statement by the

Respondents 1 to 3.

SL. Date Particulars Annexate and No. marked as
1. Extract of Para 189 of Indian Railways Statute - Annexate - A. I
ment Manual - Volume - I
(1989 Edition).

Conseil for the Respondents

Places
Dates

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' categories 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 basis of 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-matriculates. 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)

In the CAT, Hyderabad

On No. 1231 of 92

Reply Statement by Respondent



Ans
T.S.
Bd. 1999

May be filed
S
274

Filed by
V. Bhattacharya
SC & O. D. L.

(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. प. रेलवे; वाल्फार
Asst. Personnel Officer
S. E. Rly; WATTA'R

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

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 S1.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.

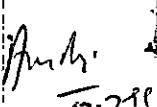

(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

87199

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


(R. RANGARAJAN)
MEMBER(ADMN.)

spr


J. J. J. J.

1st AND 2nd COURT

COPY TO:-

1. HDH NJ

2. HHRP M(A)

3. HOSJP 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 (ADMN)

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

ORDER: Date. 8-7-99

ORDER / JUDGMENT

MA. / PA. / CP. NO
IN
DA. NO. (231/97)

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
प्रेषण / DESPATCH

22 JUL 1999

हैदराबाद व्यायामी दर्गा
HYDERABAD BENCH

Form No. 9.
(See Rule 29)

BY.R.P.A.D.

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 Naidy/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 9 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.

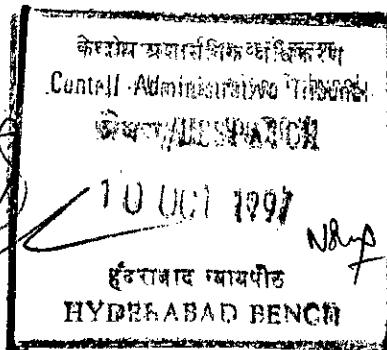
Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or 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.

SG
FOR REGISTRAR.



Form No.9.
(See Rule 29)

BY.R.P.A.D.

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. Bhimanna, SC for Ors.

To.

~~R-6.~~ **Sri. S.V.B.S. Ganesh, Ticket Collector, Sr.OCM's Office, S.E.Rly, Visakhapatnam.**

~~R-7.~~ **Sri. V.Nageswar Rao, Ticket collector, Sr.OCM's Office, S.E.Rly, Visakhapatnam.**

~~R-8.~~ **Sri. Balaji Vital, Ticket collector, Sr.OCM&S Office, S.E. Railway, Visakhapatnam.**

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

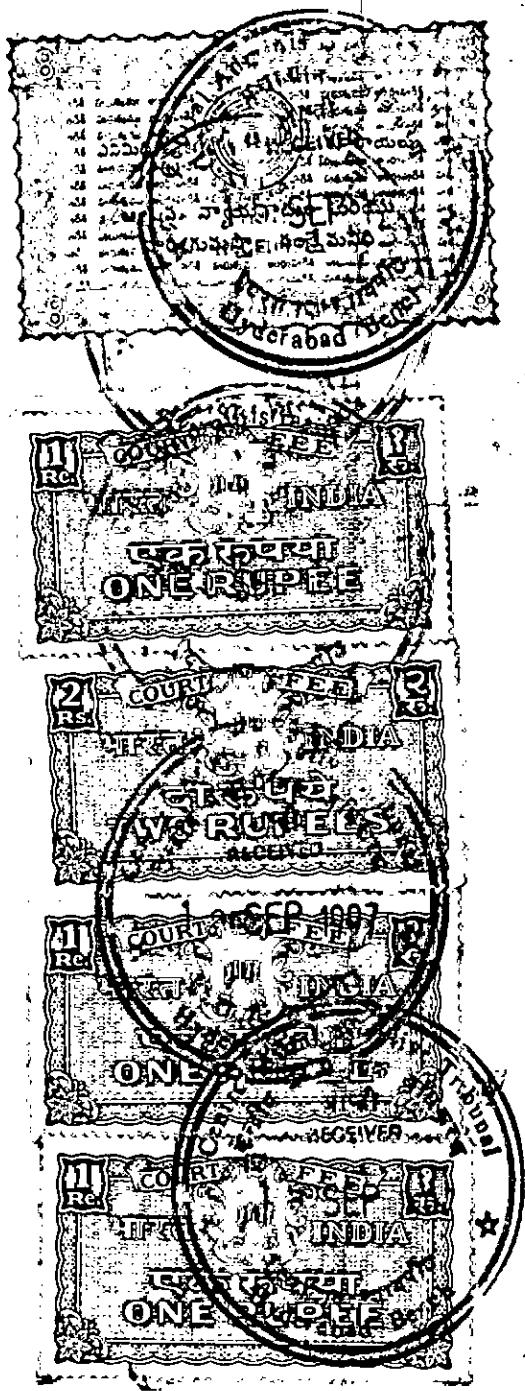
Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or 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 NO.12
(See Rule 67)

FORM OF VAKALATHANAMA

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

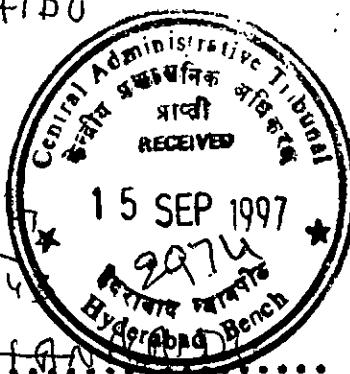
O.A.No.	1231	97
R.A.No.		97
C.P.No.		97
P.T.No.		97

Between:

CH. JANARDHAN NAIDU

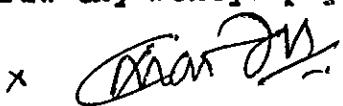
Applicant/
Petitioner

AND
Union of India a Rep.
GENERAL MANAGER
S.E.Rly - CALCUTTA-4



Respondents:

I, Ch. JANARDHAN NAIDU, Applicant No. 1231.
Respondent No. 1 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.



Signature of the Party

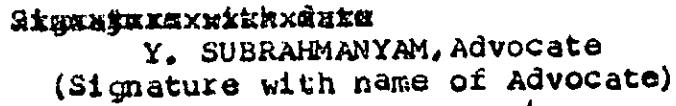
Place:

Date :

Executed in my presence.

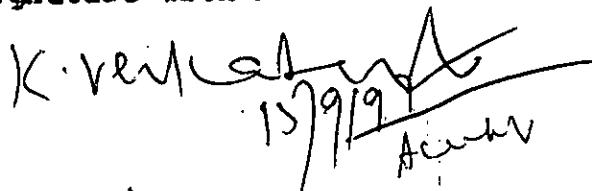
"Accepted"

Signature with date
(Name & Designation)


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

Name & Address of the
Advocate for service

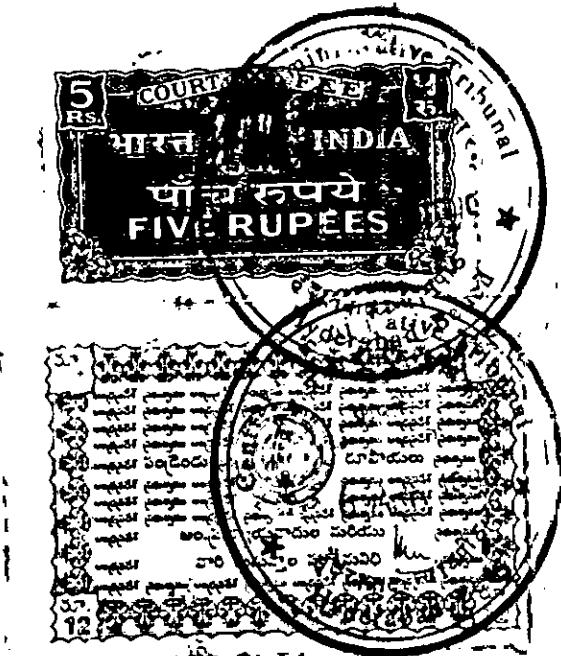
Y. SUBRAHMANYAM, Advocate
D.No. 45-58-7, Narasimhanagar
Visakhapatnam-24. Ph: 549143


K. Venkateswaran
15/9/97
Advocate

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
Signature with date
(Name and Designation).



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

AT HYDERABAD

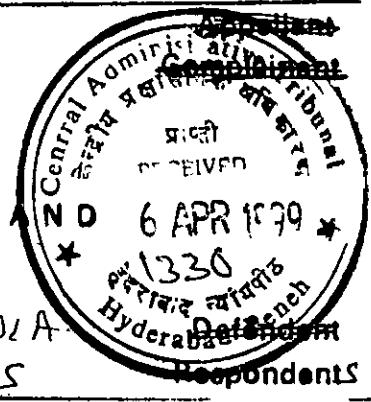
O NO. 1231 of 1997

Between :

CH JAWARDHAN NAIDU, APPLICANT

Plaintiff

UNION OF INDIA
AND OTHERS



VAKALAT

(C. Sc.)
(C. SURYANARAYANA)

Advocate, Hyderabad

P. Ullalayamachar

(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)

737
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

P. VENKATESWARA RAO, B.Com., B.L.,
ADVOCATE, HYDERABAD

Advocate/s to appear for me ~~in~~ 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.

22.

4/4/97

* *Jan D*

(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.

A. R. S. Gangadharan
Advocate, Hyderabad.

in the C.A.T., Hqrs.

0 APR 12 31 09 97

Memo of Appearance

Filed by

V. Ashwini
SC for Dly.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

MEMO OF APPEARANCE

BETWEEN: DA no 1231 of 87

Ch. T. Naidu

Applicant(s)

and

VCI Rep by GM, SE Ry, Calcutta
and Others 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 Kond, Bashesrbagh,
Hyderabad-500 029.