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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

C.A.No.871 of 1999.

DATE OF ORDER:19-8-1999.

BETWEEN:

R.Surendra.

...Applicant

a n d

1. General Manager, (Representing UOI),
S.C.Railway, Rail Nilayam, Sec'bad-071.

2. The Chief Personnel Officer,
South Central Railway, Sec'bad.

3. The Chief Electrical Engineer,
South Central Railway, Sec'bad.

4. Dy.Chief Electr.Engineer(Works Shop),
Lallaguda, South Central Railway,
Secunderabad.

5. Sri S.Narasing Rao, Working as TLF/HSK-I,
T.No.88091, Train Lighting Shop,
South Central Railway, Lalaguda,
Secunderabad.

...Respondents

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

COUNSEL FOR THE RESPONDENTS : Mr.V.Rajeshwar Rao

CORAM:

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

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

: O R D E R :

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

Heard Mr.S.Ramakrishna Rao, learned Counsel for the
Applicant and Mr.V.Rajeshwar Rao, learned Standing Counsel
for the Respondents.



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2. The applicant in this OA while working as Highly Skilled (Fitter) Grade-II in the scale ^{of pay} of Rs.1200-1800, applied for the post of Apprentice Mechanic (Electrical) against the 25% quota ear-marked for ^{the} /serving candidates when the notification bearing No.LGD.P.608.E.1(A), dated: 11-11-1998 was issued. He under-went ^{the} /examination. Similarly Respondent No.5 under-went ^{the} /examination. Respondent No.5 was selected.

3. This OA is filed to set aside the selection of R-5 as Apprentice Mechanic (Electrical) by R-4, ignoring his claim, and for a consequential direction to include the applicant in the panel for selection to the post of Apprentice Mechanic(Electrical).

4. The main point for consideration in this OA is, whether the applicant ^{can be} ~~was~~ considered as meritorious than the Respondent No.5. The above point can be adjudged by perusing the Selection Proceedings.

5. The Selection Proceedings cannot be interfered with unless malafides are attributed to the Selection Committee. There is no such averment in this connection. Hence, the only point to be seen is whether the applicant secured more marks than the Respondent No.5 for empanelling him for the post of Apprentice Mechanic(Electrical).



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6. We have perused the Selection Proceedings in this connection. The Committee met on 17-3-1999. It consisted of three Members, two from the Electrical Department with a Personnel Officer to ensure that the rules ^{were} ~~are~~ followed. We have perused the Selection Proceedings and also the Enclosures. As far as the Written/^{Test}Marks are concerned, both the applicant and the Respondent No.5 had secured the same marks viz., 30, whereas ^{while} adding the marks for Viva-voce, personaality, leadership, qualification and record of service, Respondent No.5 had secured 62 total marks, whereas the applicant had secured only 60 total marks. The Selection Proceedings clearly indicate as to how/^{the}marks for service records, personality, address, leadership and academic/technical qualifications were awarded. Hence, it cannot be said that the marks were awarded arbitrarily without setting a goal. The Proceedings clearly state that the goal for granting/^{the}marks is ^{in only} ~~correct~~. Hence, we are of the opinion that the proceedings have been diligently drafted on the basis of the Rules and Regulations.

7. The applicant having failed to secure higher marks than the Respondent No.5, cannot demand to empanel him in preference to R-5.

8. In that view, we find there is no merit in this CA. Hence, the CA is dismissed. No costs.

(The Selection Proceedings were perused and returned back)


(B.S. JAI PARAMESHWAR)
MEMBER (J)
19.8.99


(R. RANGARAJAN)
MEMBER (A)

DATED: this the 19th day of August, 1999

Dictated to steno in the Open Court