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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 383/99

DATE OF ORDER : 27.6.2000

Between :-

M.Satyanarayana

...Applicant

And

1. The Chief Personnel Officer,
SC Rlys, Rail Nilayam, Sec'bad.
2. The Chief Signal & Telecom Enginee,
SC Rlys, Rail Nilayam (VIIIth floor),
Sec'bad.
3. The Divisional Railway Manager (P),
SC Rlys, Vijayawada.

...Respondents

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Counsel for the Applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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...2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

None on either side.

2. The applicant in this OA was an aspirant to the post of TCI Grade-II in the scale of Rs.1400-2300 against 20% Limited Departmental Competitive Examination^{Quota} for which written test was held on 9.9.95 and viva-voce held on 16.11.1995 and by the impugned order No.P(SG)608/Telecom/TCI/Gr.III/LDCE dated 6.12.1995 (Annexure-VII page-26 to the OA), the names of the selected candidates were informed. The name of the applicant was not found in that selection list.

3. Another select list bearing No.P(SG)608/JE(Tele)/II/LDCE/97 dated 10.12.1998 (Annexure-III page-15 to the OA) was also issued against 20% L.D.C.E. quota wherein also the name of the applicant ~~how~~, ~~was not figured.~~

4. Aggrieved by the above, the applicant has filed this OA praying for a direction to the respondents to include his name in the panel of candidates selected to the post of TCI in the scale of Rs.1400-2300 against the 20% LDCE quota which was issued by letter No.P(SG)608/Telecom/TCI/Gr.III/LDCE dated 6.12.1995 and to give him all the consequential benefits including seniority, promotion, increments etc., or in the alternative to include the name of the applicant in the panel by letter No.P(SG)608/JE(Tele)/II/LDCE/97 dated 10.2.1998 prepared in connection with the selection to the post of Junior Engineer/Telele in scale of Rs.5000-8000 (RS) against 20% LDCE quota and give him all the consequential benefits including seniority, promotion, increments etc.,

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5. In the reply it is stated that 20% of the vacancies of the Telecom Inspector Gr.II is filled by LDCE by calling for volunteers from Skilled Artisans, Telecom Maintainer, Wireless Telecom. Maintainer, Wireless Maintainer, Cable Jointer, SPT Mechanic, Clock Repairer. The LDCE examination consists the allotment of marks under different headings as under :-

(a) Written test	---	50 marks
(b) Performance in Viva voce	---	20 "
(c) Personality, Leadership - Character & Additional Qualification	---	15 "
(d) Service Record	---	15 "

Total		100

Those who secure 80% marks and above are to be given 'Outstanding' and placed on the top of those rank 'Good'. Such of those who get 60% in Professional Ability and 60% aggregate would qualify for empanelment. The panel is to be drawn according to the seniority from amongst the qualified staff. All those who secure above 80% marks in the aggregate should be treated as 'Out-standing' and placed on top en-block. The above instructions are in accordance with the serial circular No.41/87 (Annexure R-I to the reply).

6. There was a notification dt.23.12.1994 calling for volunteers for filling up of 3 posts of TCI Gr.III (2-un reserved and 1-scheduled caste) and 107 eligible volunteers were alerted on 5.7.1995 to be in readiness for the written examination. The Written test held on 9.9.1995 and on evaluation of the answer papers, eight candidates were found to have qualified for the viva voce and the applicant was once amongst the eight candidates. His seniority position amongst the eight candidates was 5. The viva

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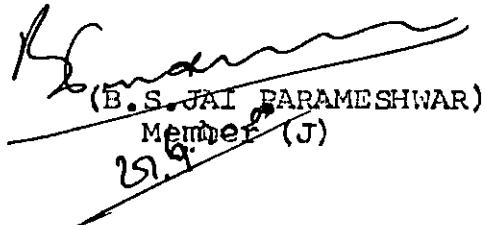
voce was conducted on 15.11.1995 and a provisional panel was published on 6.12.1995 and 3 candidates were kept in the panel. The first candidate in the panel was graded 'Out standing' and hence he was in the top of the panel en-block and other two persons graded 'Good' were seniors to the applicant and hence the applicant was not included in the panel. Another notification dt.26.12.1996 was issued calling for volunteers to fill up five vacancies of Junior Engineer Gr.II (Telecom) against 20% LDCE quota comprising of 1-SC, 1-ST and 3-un reserved. The applicant is un-reserved candidate and the written test was conducted on 18.10.1997. Fifteen candidates qualified in the written test including the applicant. The viva voce was conducted on 19.1.1998 and 3 unreserved candidates were placed in the panel in the order of seniority which was approved by the competent authority on 6.2.1998. In that panel also applicant's seniors were placed in the select list.

7. Thus the respondents contend that no irregularity committed and the applicant cannot be empanelled as he does not come within the number to be empanelled.

8. The applicant contends that the seniority has to be reckoned from the date of joining in the Department and not on the basis of the seniority in the immediate lower grade from where the applicants were called for selection. We do not agree with this contention. The seniority should be reckoned on the ~~fees~~ basis of the seniority list in the immediate lower grade. In the select list dated 6.12.1995 the applicant obtained the grading of 'Good' only. Hence those seniors who ~~had~~ obtained 'Good'

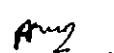
placed above and the panel is for three employees only. The applicant could not be placed in the panel as he was junior to the other employees who were graded 'Good' in the list. The employee who got 'Out Standing' will naturally be placed in the top of the list in view of the rule as contained in Serial Circular No. 41/87. In the second selection for which select list was issued on 6-2-1998 there were only three vacancies to be filled by un-reserved candidates. The applicant being un-reserved candidate, he could not be placed in the panel as three of his seniors who were graded 'GOOD' placed above him. Hence the applicant could not be placed in the panel. Hence the issue of this panel is also in accordance with the rules.

9. The applicant has not filed any rejoinder to rebut the contentions stated in the reply affidavit. Hence we ~~think~~ that ^{had been} no irregularity committed by the respondents in issuing panel dt. 16-12-1995 and panel dated 6-2-1996. The case of the applicant was rejected in view of what is stated above. Accordingly we find no merits in this case. Hence the case is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
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(R. RANGARAJAN)
Member (A)

Dated: 27th June, 2000.
Dictated in Open Court.


Amulya
J. J. J.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

COPY TO:

1ST AND 2ND COURT

1. HON. CHIEF JUSTICE

TYPED BY: CHECKED BY
COMPARED BY APPROVED BY

2. HON. (ADMN) MEMBER

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

3. HON. (JUDL) MEMBER

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

4. D.R. (ADMN)

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

5. SPARES

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

27/6/2000

MA/RA/CP.NR

IN

CA. N. 383/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

