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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

OA No. 547/94

Date of order: 6-5-1996

Foran Singh

.. Applicant

Versus

Union of India and others

.. Respondents

Mr. Dharmendra Agarwal, counsel for the applicant

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P.Sharma, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Foran Singh, in this application under Section 19 of the Administrative Tribunals Act, 1985, has challenged the non-inclusion of his name in the panel prepared for promotion to the post of Electrical Fitter in the grade of Rs. 950-1500.

2. We have heard the learned counsel for the parties and have carefully gone through the records of the case.

3. The case of the applicant is that he was initially appointed as a Khalasi in the office of Divisional Electrical Engineer, Traction Distribution, Western Railway, Kota Division, Kota. He was absorbed as a Khalasi after he had cleared the screening test. He appeared in the written test and interview for promotion to the post of Electrical Fitter in the grade of Rs. 950-1500. He was declared successful in the written test and his name appeared at Sl.No.7 in the order of merit vide Annex-A9 dated 7-9-94. However, after the applicant had appeared in the interview, his name

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was excluded from the list of candidates finally selected for promotion to the aforesaid post, vide Annexure-A1 dated 26-10-94. The contention of the applicant is that there was no justification for the respondents to declare the applicant as failed in the interview in view of the facts that the applicant had attained higher qualifications and he was higher in merit in the written test. It is also contended that favouritism was shown in the interview which had taken place after the declaration of result of the written test.

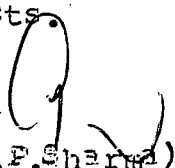
4. On the contrary, the respondents have stated that the panel was prepared after counting the marks of the candidates obtained by them in the written test as well as in the interview. It is further stated by the respondents that the averment in regard to favouritism is vague and it cannot be relied upon.

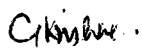
5. It is an admitted fact that the post of Electrical Fitter grade Rs. 950-1500 is a selection post. Selection to this post is made on the basis of marks obtained by the candidates in the written test as well as in the interview. The allegation of favouritism is without any basis since the applicant has not even named any authority and his relationship with any candidate to prove any act of favouritism. Applicant did not raise any finger before the interviewing authority at the time of his interview nor did he made any complaint to the concerned authority after the interview was over.

6. In the circumstances, it cannot be said that non-inclusion of the applicant's name in the panel drawn for promotion to the post of Electrical Fitter grade Rs. 950-1500 was arbitrary or unreasonable.

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7. This application is, therefore, dismissed at the stage of admission with no order as to costs.


(O.P. Sharma)
Administrative Member


(Gopal Krishna)
Vice Chairman