

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 8th August, 2001

OA No.514/1995

Abdul Gaffar Khan s/o Shri Nisar Khan r/o Loco Colony, Q.No.603/D,  
Kota, presently posted as Senior Trains Clerk in the Office of Station  
Master, Kota Division, Kota.

..Applicant

Versus

1. Union of India through the General Manager, Western  
Railway, Churchgate, Bombay.
2. The Divisional Railway Manager (E), Western Railway,  
Kota Division, Kota
3. The Senior Divisional Operating Manager (Estt.), Western  
Railway, Kota.
4. Shri Om Prakash Verma s/o Shri Ram Lal Verma at present  
posted as Trains Clerk in the office of Divisional  
Railway Manager, Kota.

.. Respondents

Mr. Vinod Goyal, proxy counsel to Mr. Virendra Lodha, counsel for the  
applicant

Mr. S.S.Hasan, counsel for respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

Applicant is aggrieved with the panel of Goods Guard  
scale Rs. 1200-2040 issued on 20.10.94 (Ann.A1), in which he does not  
find a place. His plea is that he has done well in the examination but  
he has been declared failed while his juniors have been selected.

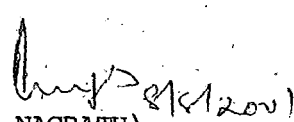


2. The only ground taken by the applicant to challenge this panel is that he had done the written test very well and there was no earthly reason for his name not being placed in that panel dated 24.10.94. He has stated that at the relevant time he was already working as Senior Trains Clerk in the grade Rs. 1200-2040 and that the panel of Goods Guard was formed on the basis of seniority-cum-suitability. On that plea he contends that he should have been placed in the panel. Another ground taken by the applicant is that for the Selection Board for Passenger Guards atleast one member of the Selection Board should be in the JA Grade.

3. The learned counsel for the applicant admitted that there was no other ground which could be advanced on behalf of the applicant. It is also admitted that panel was for the post of Goods Guard, so any plea raised for constitution of the panel for the post of Passenger Guard is irrelevant.

4. One's own notion of his capabilities and performance do not provide a ground for enforcing a legal right. In selections or suitability tests one has to compete with other eligible candidates and pass the prescribed examination. In the instant case, admittedly the applicant appeared in the suitability test but failed. There is absolutely no ground which could be considered in his favour. This application is totally devoid of any merit.

5. We, therefore, dismiss this application. No order as to costs.

  
(A.P. NAGRATH)

Adm. Member

  
(S.K. AGARWAL)

Judl. Member