

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.492/99

Date of order: 19/4/2002

Ravindra Kumar Sharma, S/o Sh.K.K.Sharma, R/o Amit Nagar, Agra, Head Booking Clerk, Shyamgarh, Western Railway, Kota Division, Kota.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate, Mumbai.
2. Divisional Railway Manager, W.Rly, Kota Division, Kota.

...Respondents.

Mr.Shiv Kumar : Counsel for applicant
Mr.T.P.Sharma : Counsel for respondents.

CORAM:

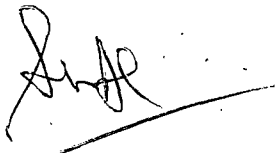
Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.H.O.Gupta, Administrative Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985 the applicant makes a prayer to quash and set aside the order dated 24.8.99 and to direct the respondents to issue a fresh eligibility list, as per rules, or in the alternative to modify the impugned order by including the name of the applicant in the impugned order dated 24.8.99 at Sl.No.14.

2. The applicant was initially appointed as Assistant Commercial Clerk in the pay scale 260-400 vide order dated 5.4.77 and he was promoted in the pay scale 1400-2300 vide the order dated 2.1.92. It is stated that a notification for preparing panel for 5 posts of Chief Ticket/Goods Clerk, pay scale Rs.5500-9000 was issued on 24.8.99 out of which 4 posts were from general category and one from reserved

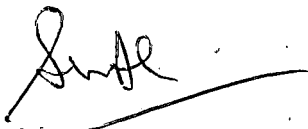


category and as per the provisions contained in para 215(E) of IREM, 1x3 persons are to be called for written test. Thus as per rules, 12 persons are required to call from the general category and 3 persons from reserved category, in the ratio of 1x3. The main grievance of the applicant in the instant case has been that the respondents have called 9 persons from general category and 6 persons from reserved category, therefore, the impugned eligibility list is illegal, arbitrary and against the rules.


3. Reply was filed, stating that the action of the respondents' department is perfectly legal and valid and does not call for any interference.

4. Heard the learned counsel for the parties and also perused the whole record.

5. On a perusal of record/averments of the parties, it appears that for preparing the panel, 12 candidates were called for selection (written test) for general category post, from the list and out of these candidates, candidates at Sl.Nos.6,11&12 are persons from reserved community, as per their basic grade seniority against general posts which is permissible in law and is perfectly legal and valid. Admittedly, the applicant's name is at Sl.No.16 in the seniority list dated 25.11.97, therefore, in no way the applicant comes within the zone of consideration, as per the provisions contained in para 215(E) of IREM and the applicant was rightly not called for written test against the selection of 4 general category post for preparing the panel. Thus, the applicant has no case for interference by this Tribunal and this O.A devoid of any merits, is liable to be dismissed.



6. We, therefore, dismiss this O.A having no merits with no order as to costs.


(H.O.Gupta)

Member (A).


(S.K.Agarwal)

Member (J).