

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order:19.12.2000

OA No.70/99

Pocran Mal s/c Shri Shiv Ram r/o Gram and Post Gorawas, Via Nim-kathana, Distt. Sikar.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager (Estt.) Divisional Office, Near Railway Station, Jaipur
3. Roop Singh s/o Ram Babu ) through Divisional Manager
4. Amer Singh S/o Budha Ram ) Western Railway, Jaipur
5. Ram Kishore s/c Budha Ram )

.. Respondents

Mr.Manoj Pareek, counsel for the applicant

Mr. S.S.Hasan, counsel for respondent No. 1 and 2

None present for other respondents

CORAM:

Hon'ble Mr.A.K.Mishra, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. A.K.Mishra, Judicial Member

Applicant has filed this OA with the prayer that the respondents be direct to give promotion to the applicant on the post of Ticket Collector from the date persons lower in merit have been so promoted, with all consequential benefits.

2. Notices were given to the respondents, who have filed their reply.

3. It is stated in the reply that name of persons who have

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passed the selection test have been placed in the select panel for being posted as Ticket Collector as per their seniority. The applicant could not qualify the selection test, hence his name was not placed in the panel. The claim of the applicant that he is more meritorious than candidates selected, is without any basis and the OA bears no merits and deserves to be dismissed.

4. We have heard the learned counsel for the parties and have gone through the case file. It is alleged by the applicant that he was initially appointed as Waterman on 18.3.1974, and thereafter was promoted to the post of Gateman on 1.5.1991, he was fully eligible to appear in the selection test for the post of Ticket Collector in pursuance of notification dated 18.3.1998. The applicant cleared the written test and was placed at Sl.No.7 in the list. Thereafter, interview was organised and service record of the employees was looked into. However, the applicant was not selected because he was declared fail in the viva-voce test. His case is that persons below in the merit list of the written examination were selected but the applicant though more meritorious than others was declared fail in the viva-voce. On these grounds, he claims that selection was bad.

5. We have considered the rival contentions. In our opinion the applicant is not entitled to be either empanelled or promoted as per his claim, because he could not qualify and secure merit in the viva-voce. As per the notification, the selection process consisted of two stages, one of written test and other viva-voce test. The applicant was allowed to appear in the viva-voce test because he was declared successful in the written test. But that does not mean that he should be treated more meritorious than others. The list of successful written test candidates is as per seniority and not as per merit. Letter Ann.A3 dated 30.9.98 specifically mentions that the candidates who have cleared the written test are being named in

302

the list as per their seniority. Therefore, the contention of the applicant that he was at No.7 of the merit list, is without foundation. When a selection process consists of two stages i.e. written and viva-voce, then the applicant was expected to secure merit according to the combined marks of both the tests. Since the applicant has not been able to secure position in the merit after viva-voce test, his claim that his name should figure in the select list is devoid of any force.

6. In our opinion, the applicant has no case and the OA does not bear any merit and is, therefore, dismissed. Parties are left to bear their own costs.



(N.P.NAWANI)

Adm. Member



(A.K.MISHRA)

Judl. Member