

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

original Application No. 302/2001

Jabalpur, this the 6<sup>th</sup> day of May, 2004

Hon'ble Shri M.P. Singh -Vice Chairman  
Hon'ble Shri Madan Mohan, Member (J)

H.R.Softa aged about 47 years,  
S/o M.L.Softa,  
Working as permanent Way Inspector,  
Grade-II (USFD), Khandwa,  
Central Railway, Bhusawal Division  
and R/o Narmada Nirman, Jaswadi Road,  
Khandwa (MP).

...Applicant

(By Advocate: Shri Sudeep Deb)

-versus-

1. Union of India through  
Secretary,  
Ministry of Railways,  
Rain Bhawan, New Delhi.
2. General Manager,  
Central Railway, Mumbai CST.
3. Divisional Railway Manager,  
Central Railway, Bhusawal.

...Respondents

(By Advocate: Shri M.N.Banerjee)

O R D E R

By Madan Mohan, Member (Judicial):

By filing this original Application, the applicant  
has sought the following main reliefs:-

- "a) This Hon'ble Tribunal be pleased to command the selection proceedings for its perusal and to see that allotment of marks have not been done in an arbitrary manner as alleged by the applicant.
- b) to quash the the selection proceedings which have been conducted against provisions of rules as submitted in the foregoing paras.
- c) in the alternative to direct the respondents to review the case of the applicant in regard to the allotment of the marks in written test, viva-voce and as well as against other heads for which specific guidelines have been issued for allotting the marks in the selection."

2. The brief facts of the case are that the applicant was appointed in Railway service as Apprentice P.W.I. now termed as Junior Engineer (P.way) with effect from 20.5.1980 in the grade of Rs. 425-700/- . He was subsequently promoted to the

grade of Rs. 1600-2660/- w.e.f. 1.3.1991. The respondent no. 3 issued a notification for selection to the post of S.E.(P.way) Grade of Rs. 6500-10500/- (RSRP) in Engineering Department on 29.6.2000 for the following categories:

|                 |   |                |
|-----------------|---|----------------|
| Scheduled Caste | : | 2              |
| Scheduled Tribe | : | -              |
| General         | : | <u>7</u>       |
| Total           | : | <u>9 posts</u> |

The name of the applicant appears at serial no. 3 of the list of candidates called for written test. The selection consisted of written test followed by viva voce. The applicant successfully negotiated the written test and was found suitable for viva voce as per result declared by the respondents on 28.11.2000. The name of the applicant appears at sr.no. 2 in the list which goes to indicate that he was sufficiently senior amongst the candidates called for viva voce. The result of the selection was declared on 20.12.2000 and to the utter surprise of the applicant he did not find his name in the said list of selected candidates though he was second in order of seniority amongst the candidates called for viva voce. He further contended that many juniors candidates including S.C. candidates who had reached the stage with accelerated promotion with relaxed standard have been selected ignoring the just claim of the applicant.

2.1 Aggrieved by the arbitrary action of the respondents, the applicant submitted a representation to the respondents on 3.1.2001 giving details of proceedings conducted in the selection as well as his bio-data and seniority position. The respondents in reply to the said representation have issued the impugned order (A/1) which gives reference to some railway Board's letter dated 5.12.1984 the contents of which are not known to the applicant. It is further submitted that the selection has not been conducted in accordance with

the Indian Railway Establishment Manual, and the respondents have acted with malafide in selecting the junior-most candidates in preference to the applicant who was sufficiently senior. The respondents have no justification to ignore the seniority factor as the specific marks are allotted for seniority in the selection proceedings. The applicant had passed the written test which is a part to the selection to adjudge professional ability. He had answered all the questions put up by the Selection Committee correctly and there was no occasion to allot him less marks in the viva voce. It is further submitted that the respondents have extended favour to certain juniors who were close and favourites of the respondents. Aggrieved with the arbitrary and malafide action of the respondents, the applicant has filed the present O.A. for seeking the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the record carefully.

4. Learned counsel for the applicant has argued that the written test conducted by the respondents was not in accordance with the rules and marking was also not done properly. Our attention is drawn towards Annexure A-6, which is 'PAPER - I (TECH)', saying that the same has not been prepared in accordance with Rule 219 (c) of the I.R.E.M. He further argued that he secured second position in the written test but in interview he was awarded very less marks in an arbitrary manner without considering the merit of the applicant. It is further argued that the respondents did not inform the applicant about the final result.

5. In reply, learned counsel for the respondents argued that according to the applicant himself he was declared successful in the written test and consequently he was called for interview. He appeared in the interview but could not secure the required marks for selection. He further argued that there is no necessity to inform the candidates, who

did not qualify / pass the selection, about the final result. Since the applicant was not a successful candidate in the alleged selection, therefore, he was rightly not informed about the result thereof.

6. After hearing the learned counsel for the parties and considering the relevant records available on record, we find that the applicant was declared successful in the written examination conducted by the respondents but he did not secure the required marks in the viva-voce/interview. It cannot be expected that if a candidate <sup>who</sup> secures high marks in written examination must also secure high marks in the viva-voce/interview as the marks in the interview are given on the basis of the performance and personality of the candidate concerned. Moreover, the applicant did not allege any malafide against the respondents when he secured higher marks in the written test but on the contrary when he could not get the required marks in the interview for selection, he alleged malafide against the respondents. The said argument of the applicant, therefore, does not have legs to stand. We are also in agreement with the argument advanced by the respondents that it is not necessary to inform the final result to the failures.

7. In view of the above discussion, we find no merit in the O.A. and the same deserves to be dismissed which is accordingly dismissed with no order as to costs.

(Madan Mohan)  
Member (J)

(M.R. Singh)  
Vice Chairman

/na/

पृष्ठांकन से ओ/व्या..... जबलपुर, दि.....  
प्रतिलिपि आठो बाला:-  
(1) सदिक, अर्द्ध वर्षावारी, अधिकारी, जबलपुर  
के काउंसल Sudheep Deb  
(2) आर्द्ध वर्षावारी, अधिकारी, जबलपुर  
के काउंसल M.R. Singh  
(3) प्रत्ययी, अर्द्ध वर्षावारी, अधिकारी  
(4) वर्षावारी, दो वर्ष, अधिकारी, जबलपुर  
सूचना एवं आवश्यक कार्यवाली तु  
उप राजस्वार

2/5/5  
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