

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : BILASPUR (CHHATTISGARH)

Original Application No.277 of 1999

Bilaspur, this the 26th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
 Hon'ble Shri Anand Kumar Bhatt, Administrative Member

1. A.K.Pati aged about 46 years, son of P.K.Pati,
 Offg. Typist Office of Dy.C.E.E./R.E./S.E.
 Railway, Bilaspur M.P.
2. Ashok Kumar Bhattacharya, aged 35 years,
 son of Bhattacharya, Chowkidar, Sr.S.F./
 RRD/Off/S.E.Railway, Bilaspur M.P.
3. Pradeep Kumar Ray aged about 40 years
 son of G.C.Roy, Khalasi Sr.S.E./PSI/S.E.Rly.
 Bilaspur M.P.

- APPLICANT

(By Advocate - Shri Alok Bakshi)

VERSUS

1. Union of India through the General Manager,
 S.E.Railway, Garden Reach, Calcutta-43.
2. The Divisional Railway Manager, S.E.Rly.
 Bilaspur M.P.
3. The Senior Divisional Personnel Officer,
 S.E.Rly. Bilaspur M.P.
4. Ku.Asha office of C.F./Coaching/Bilaspur
 S.E.Rly. Bilaspur M.P.
5. Divisional Personnel Officer, S.E.Rly.,
 Bilaspur(M.P.)

-RESPONDENTS

(By Advocate - Shri M.N. Banerjee for official respondents)

ORDER (Oral)

Justice V.S. Aggarwal -

The applicants by virtue of the present petition seek a direction to accord them promotion to the post of Clerk-cum-Typist contending that they are senior most in the service and had passed the required test.

2. Some of the relevant facts are that the applicants are

~~XXXXXXXXXXXXXXXXXXXX~~ working in Group-D post in South Eastern Railway, Bilaspur. A circular had been issued for filling up the post of Clerk-cum-Typist against the departmental quota for the year 01.04.1995 to 31st March, 1998. The applicants had also applied. The test was held. The grievance of the applicant is that list of 389 candidates have been put under the Board. The respondent No. 4 was not one of these candidates who was to take the test. In the result declared she has declared to be successful and other-wise also the applicants contend that the result has not been declared in a fair manner.

3. In the reply filed the respondents have explained that the test indeed as stated by the applicant ^{had} ~~was~~ been held. Six applications were received under the covering letter from Sr. Section Engineer (Coaching), Bilaspur stating that the applications could not be forwarded in time. The approval of the competent authority was taken and thereupon those six persons including the respondent No. 4 took the test. The respondent No. 4 was one of the successful candidates. The result was declared of the successful candidates but the applicants did not make the merit.


4. During the course of submission the learned counsel for the applicant urged a) the claim of respondent No. 4 has wrongly been considered and b) the result was not declared in a fair manner nor the examination conducted as such.


5. On careful consideration of the matter we find that the contentions so raised ^{are} ~~are~~ without merits. The reasons are obvious. So far as the candidature of respondent No. 4 is concerned, admittedly in the result sheet she is in the category of Scheduled Tribe. The applicants are general candidates.

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Therefore they have no locus-standi to challenge the appointment of respondent No. 4 in the category of Scheduled Tribe in the quota. Otherwise also it is taken from the facts enumerated above that respondent No. 4 alongwith 5 other persons had submitted the application. which was forwarded and the competent authority had allowed ^{him} to take the test. The applicants ^{have} are not ~~here~~ to challenge ^{the permission} the promotion granted by the competent authority. Therefore it must be taken that she had been legally been allowed to take the test. Accordingly the first plea is failed.




6. As regard the second contention, it does not show that any illegal practise has been adopted in examining the answer sheets or any other facts to promote us to interfere. Unless there is any such fact in record, we find no hesitation in concluding that the petition is bereft of ^{any} merit. Resultantly it fails and the same is dismissed.


(Anand Kumar Bhatt)
Administrative Member

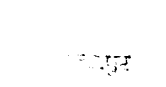

(V.S. Aggarwal)
Chairman

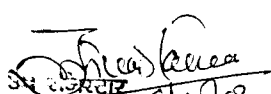
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