

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 385 of 1999

Jabalpur, this the 18th day of August, 2003

Hon'ble Shri D.C. Verma, Vice Chairman (Judicial)
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Anil Shrivastava, S/o Late G.N. Shrivastava,
Aged about 40 years, Occupation: Head Clerk,
Station Manager Office, Central Railway,
Bhopal Division, Bhopal (M.P.).
Resident of Qtr. No. G-44/A, West Railway
Colony, Bhopal (M.P.).

- APPLICANT

(By Advocate - None)

Versus

1. The Union of India, Through: The General
Manager, Central Railway, Mumbai CST.
2. Dr. N.C. Meshram, Central Divisional Personnel
Officer, Office of the Divisional Railway
Manager, Central Railway, Bhopal Division,
BHOPAL (M.P.).
3. The Divisional Railway Manager, Central
Railway, Bhopal Division, Bhopal (M.P.) - RESPONDENTS

(By Advocate - Shri M.N. Banerji, Standing Counsel for Rlys)

O R D E R (Oral)

By D.C. Verma, Vice Chairman (Judicial)-

This O.A. was filed in the year 1999 and came up for hearing today on an application of counsel for the applicant for early hearing. The case was taken up for hearing but still none is present today to argue the case. Consequently Shri M.N. Banerji, standing counsel for railways has been heard. Pleadings on record have been perused and the case is being decided on merits under Rule 15 of Central Administrative Tribunal (Procedure) Rules, 1987.

2. The relief claimed by the applicant in the O.A. is that his name be included in the select panel for the post of Office Superintendent, Grade-II or in the

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alternative a review selection committee be called to consider his suitability.

3. As per the facts contained in the O.A., earlier the applicant's seniority was not correctly fixed. So, the applicant along with others had to file O.A.No.716 of 1991. Thereafter, proper seniority was given to the applicant. The respondents vide Annexure-R-1 dated 4.9.1998 notified 14 vacancies for selection to the post of Office Superintendent Grade-II, which were to be filled up after a written test and viva voce. The applicant was also eligible and his name appeared in the list of persons to appear in the written test. The applicant cleared the written test but failed in the viva voce, so his name is not in the panel Annexure-A-6 dated 15.2.1999. Names of juniors to the applicant find place in the panel. Hence the applicant has filed the present O.A. with the relief mentioned earlier.

4. The grievance of the applicant is that all the members of the selection committee belonged to SC/ST category and none was of general category. One of the members, namely, Dr.N.C.Meshram was generally seriously prejudiced against the general candidates but nobody had raised any objection against him. Dr. Meshram was, specially prejudiced against the applicant and so the applicant was failed in the viva voce.

5. The applicant's grievance that all the members of the selection committee belonged to SC/ST and so they were prejudiced, has no merit. The committee considered selection of general candidates also. 7 general candidates have been included in the panel. The 5 general candidates are senior to the applicant and two are junior to him. There is no legal bar in case the

Members of
the selection committee constituted as per the rules happen to belong to SC/ST members. The rule provides that one of the members be of SC/ST candidates. vice versa is no bar.

6. With regard to personal grievance of the applicant against Dr. Meshram, the applicant has made a general statement only and that cannot be accepted. It is very easy to raise such grievances but in absence of any specific evidence that cannot be accepted. If the applicant had any grievance, it was open for him to raise the same immediately after the interview was conducted. The applicant should not have ⁵been waited for the declaration of the result. The interview was conducted on 8.2.1999 and 9.2.1999 and result thereof was declared on 15.2.1999. If the applicant had any grievance against Dr. Meshram, who was member of the selection committee, it was open for him to raise grievance before the result was declared. Instead the applicant waited for the result and only after his non-selection, he made a representation on 19.4.1999. Consequently, the grievance of the applicant against Dr. Meshram is not sustainable.

7. In view of the discussion made above, the O.A. lacks merit and the same is dismissed. Costs easy.

(Anand Kumar Bhatt)
Administrative Member

(D.C. Verma)
Vice Chairman (Judicial)

rkv.

कृपया स. ओ. आ. जलपुर, दि.

पतिलिपि अर्जित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जलपुर
- (2) आवेदक श्री/श्रीमती/कु. के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु. के काउंसल
- (4) बयपान, के. प्र. जलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

p. chaturvedi
na. S. S. S. S. S.

Sub
रजिस्ट्रार

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