

**Central Administrative Tribunal  
Principal Bench**

**OA No.2664/2011  
MA No.687/2017**

New Delhi, this the 25<sup>th</sup> day of July, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Yoginder Kumar Sharma S/o Thakur Dass Sharma,  
Technician Grade-I/TRD, Idgah – Agra  
Under DRM/ Agra,  
R/o 45/71-B Nagla Ajita,  
Civil Lines, Agra.

... Applicant

( By Advocate: Ms. Meenu Mainee )

Versus

1. Union of India through  
General Manager,  
North Central Railway,  
Allahabad.
2. Divisional Railway Manager,  
North Central Railway,  
Agra.
3. Sr. Divisional Electrical Engineer (TRD),  
North Central Railway,  
Agra.

( By Advocate : Mr. Satpal Singh )

**O R D E R**

**Justice Permod Kohli, Chairman :**

The applicant was selected directly by the Divisional Railway Manager, Kota as Technician Grade-III on 09.07.1987. He earned

promotions as Technician Grade-II in the year 1994 and as Technician Grade-I in November, 2002. The next promotion is to the post of Junior Engineer Grade-II.

2. There are three modes of recruitment to the post of JE Grade-II – 50% by direct recruitment, 25% by promotion in order of seniority, and 25% by way of holding Limited Departmental Competitive Examination (LDCE). In terms of letter dated 29.01.2010, respondent No.2 initiated selection through holding LDCE to fill up three posts of JE Grade-II. It is stated that in terms of the Railway Board's circular dated 03.10.2006 issued in consultation with both the Federations, it was notified that those employees who were in service up to 14.08.2002 and were eligible to appear in the selection being matriculates, were allowed to appear with the pre-revised qualification in the selection for the post of JE by way of LDCE. On the basis of the aforesaid criteria, applications were invited from eligible staff who were matriculates/otherwise qualified for selection to the post of JE Grade-II.

3. The applicant claiming to be eligible applied for the said post in response to circular dated 29.01.2010. As many as nine candidates applied who were found eligible for appearing in the LDCE. The selection was to be made on the basis of written

examination and service record. The total marks were fixed at 80, out of which weightage of 50 marks was earmarked for written test and 30 for the record of service. The grievance of the applicant is that even when he appeared in the written examination and fared well, result of the same was not declared and even after completion of the selection process, result of the examination was not made known. The applicant accordingly sought information under RTI regarding marks obtained by him and four other candidates, as also the answer-sheets. The PIO, North Central Railway, Agra vide letter dated 07.02.2011 supplied copies of marks obtained by the applicant and some other candidates, but the answer-sheet of the applicant only was supplied. From a perusal of the result declared on 27.12.2010 it was found that the applicant was awarded 35.5 marks out of 50 in the written examination and 20 marks out of 30 against service record, and thus the total marks obtained by the applicant were 55.5, while two other candidates, namely, Amar Singh and Kishan Chand Shukla secured 65 and 64.5 marks respectively. It is stated that on careful examination of the answer-sheet, serious omission/commission in evaluation of the answer-sheet was discovered. It is submitted that question number 1 contained 20 sub-questions carrying 2 marks each. Out of these questions, the applicant had 8 correct answers but was given only 8 marks as against 16, and thus 8 marks were wrongly

deducted. It is further the case of the applicant that he was awarded 20 marks out of 30 for the service record, which is also contrary to the record. The applicant submits that he had earned at least 'Very Good' grading in all the preceding three years under consideration for purposes of promotion, and as against 24 marks for 'Very Good' grading, he was awarded 20 marks, and in this manner he has been eased out of the selection by absolutely illegal means and in an arbitrary manner.

4. The respondents in their counter-affidavit have denied the allegations. Since the applicant placed the question paper as also the answer-sheet secured under RTI on record, the respondents were directed to produce original record of the selection. Mr. Satpal Singh, learned counsel appearing for the respondents has accordingly produced the original record as also the award-sheet of the LDCE in question.

5. We have heard the learned counsel for parties.

6. From the record produced by the respondents, it appears that the respondents realised their mistake, and as against 71 marks out of 100 granted to the applicant in written test, they have added 8 marks in respect to question number 1, and thus the applicant secured 79 marks in the written test. Other two candidates, Amar

Singh and Kishan Chand Shukla secured 82 and 81 marks respectively in the written examination. The marks of the applicant were revised. Even after securing 8 extra marks, ranking of the applicant in the selection process comes to 3. The applicant belongs to general category. There was only one vacancy against which Amar Singh has been selected.

7. The second grievance of the applicant is that he has been awarded 20 marks as against 24 on the basis of his service record. We have perused the selection record carefully. The ACR grading awarded to all the nine candidates in the preceding three years was placed before the selection committee. The applicant's name figures at serial number 5 and he had earned one 'Very Good' during 2007-2008 and two 'Good' gradings during 2008-2009 and 2009-2010, and thus 20 marks were granted to him, whereas Amar Singh and Kishan Chand Shukla who had all three 'Very Good' gradings during the aforesaid years were granted 24 marks each for their service record. Thus, there is no discrepancy insofar as the award of marks against the weightage for service record is concerned. By adding the marks secured in the written examination and the service record, Amar Singh comes at serial number 1 of the select list with 65 marks out of 80, Kishan Chand Shukla at number 2 with 64.5 marks, and the applicant at number 3 with 59.5 marks (after rectification). Since

there was only one vacancy, the applicant could not have been selected.

8. In this view of the matter, no relief can be granted to the applicant. The OA is without merit. Dismissed accordingly. No costs. All ancillary applications stand disposed of. The original record is returned to Mr. Satpal Singh, learned counsel for the respondents.

**( K. N. Shrivastava )**  
**Member (A)**

**( Permod Kohli )**  
**Chairman**

/as/