

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00433/2018

Dated Monday the 26th day of March Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

M. Tamilselvan
Senior Technician
Telecommunication
Podanur, Salem Division
Southern Railway.Applicant

By Advocate M/s. Ratio Legis

Vs

1. Union of India represented by
The General Manager
Southern Railway
Park Town, Chennai – 3.
2. The Senior Divisional Personnel Officer
Salem Division, Southern Railway
Salem.
3. M. Vijayakumar
Telecommunication
Podanur, Salem Division
Southern Railway.Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records related to the impugned order No. SA/P608/IX/S&T dated 17.11.2017 issued by the 2nd respondent and to quash the selection of the 3rd respondent and further to direct the respondents to include the applicant by redrawing the panel since the applicant is eligible on strict seniority as well on merit”

2. Learned counsel for the applicant submits that the applicant is aggrieved by the selection of 3rd respondent to the post of Junior Engineer/Tele in the pay level L-06 of 7th CPC (GP – Rs. 4200) against 20% LDCE quota in S&T Department ahead of him. Attention is drawn to Annexure A4 dt. 20.11.2017 wherein written examination marks secured by the applicant and the 3rd respondent show the applicant placed above the 3rd respondent with 64 out of 100 as against 62 out of 100 secured by the 3rd respondent. However the final marks including weightage for service record granted to the 3rd respondent was 58 out of 80 whereas the applicant had been granted only 56 out of 80. It is alleged that the APAR of 3rd respondent had not been written for the last 3 years. They ought not to have been written together on the eve of selection. It is submitted that as per rules, APAR had to be written annually and a performance report not written within the time limits set under the rules could not be written subsequently. It is also alleged that the respondents deliberately

assessed the performance of the 3rd respondent in such a manner as to place him above the applicant, after the score of the applicant was known.

3. Mr. P. Srinivasan takes notice for the respondents and submits that if the APAR is not written in the relevant year, the competent authority could always take a view and allow the APAR to be written subsequently to enable selection of candidates under the relevant quota as no selection can be made on the basis of missing APARs.

4. Learned counsel for the applicant would submit that the applicant would be satisfied if his Annexure A6 representation dated 02.02.2018 in this regard is directed to be considered in accordance with the rules and a speaking order passed by the competent authority.

5. Keeping in view of the limited prayer and without going into the substantive merits of the case, I deem it appropriate to direct the 2nd respondent to consider Annexure A6 representation dated 02.02.2018 of the applicant in accordance with law / rules / executive instructions on the subject and pass a speaking order within a period of three weeks from the date of receipt of copy of this order.

6. OA is disposed of. No costs.

(R. Ramanujam)
Member(A)
26.03.2018

AS