

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**LIBRARY**

No. O.A. 350/00111/2013

Date of order: 12.6.2019

Present: Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Shri Manash Chatterjee,  
 Son of late Shanti Ranjan Chatterjee,  
 Aged about 53 years,  
 Working as Loco Pilot (Mail) under the  
 Sr. DEE (OP),  
 S.E. Railway, Kharagpur,  
 Residing at Qtr. No. 438, Unit - I,  
 South Side, Kharagpur,  
 P.O. Kharagpur,  
 Dist. Paschim Medinipore.
2. Shri Ananta Kumar Sahoo,  
 Son of Late Braja Kishore Sahoo,  
 Aged about 50 years,  
 Working as ELP (Pass) under  
 Sr. DEE (OP), S.E. Railway,  
 Kharagpur,  
 Residing at Qtr. No. 448/3 at South Side,  
 Kharagpur, P.O. Kharagpur,  
 Dist. Paschim Medinipore – 721301.
3. Shri Sunil Kumar,  
 Son of Shri Chandeshwar Pandit,  
 Aged about 45 years,  
 Working as ELP (Mail)  
 Under the Sr. DEE (OP),  
 S.E. Railway,  
 Kharagpur,  
 Residing at CM/II/13,  
 Unit-D, Kharagpur,  
 Dist. – Paschim Medinipore – 721301.
4. Shri Subhendu Narayan Mishra,  
 Son of Late Gopal Chandra Mishra,  
 Aged about 48 years,  
 Working as ELP (Mail) under  
 The Sr. DEE (OP),  
 S.E. Railway,

Kharagpur,  
Residing at MR-III/I,  
Unit - 4, Mathurakati,  
Kharagpur,  
District - Paschim Medinipore.

5. Shri Ashutosh Panigrahi,  
Son of late K.C. Panigrahi,  
Aged about 48 years,  
Working as ELP (Mail)  
Under the Sr. DEE (OP),  
S.E. Railway, Kharagpur,  
Residing at S/II/30, Unit - 6,  
New Development, Kharagpur,  
P.O. Kharagpur,  
District - Paschim Medinipore - 721301.
6. Shri Ch. Chandra Sekhar,  
Son of Late Ch. Jagannath Swamy,  
Aged about 52 years,  
Working as ELP (Mail),  
Under the Sr. DEE (OP),  
S.E. Railway, Kharagpur,  
Residing at Block No. 7E/2, Unit-2,  
Old Settlement, Kharagpur,  
Dist. Paschim Medinipore.
7. Shri Lakshman Chandra Mahata,  
Son of Late Biswanath Mahata,  
Aged about 50 years,  
Working as ELP (Pass),  
Under the Sr. DEE (OP),  
S.E. Railway, Kharagpur,  
Residing at S/II/42, Unit - 7,  
New Development/Kharagpur,  
P.O. - Kharagpur,  
Dist. - Paschim Medinipore.
8. Shri Choudhury Jitendra Prasad Padhi,  
Son of Bamdeb Padhi,  
Aged about 49 years,  
Working as ELP Pass  
(under the Sr. DEE (OP)),  
S.E. Railway, Kharagpur,  
Residing at S/II/6, Unit-2,  
New Development,

Kharagpur,  
P.O. Kharagpur,  
Dist. – Paschim Medinipore.

9. Shri Niswajit Laha,  
Son of Late Nirmal Ch. Laha,  
Aged about 51 years,  
Working as ELP (Mail),  
Under the Sr. DEE (OP),  
S.E. Railway, Kharagpur,  
Residing at Qtr. No. S/II/19,  
Unit – 3, New Development Rly. Colony,  
Kharagpur, P.O. Kharagpur,  
Dist. Paschim Medinipore.
  
10. Sri Jayanta Kar,  
Son of Late Durgapada Kar,  
Aged about 50 years,  
Working as ELP (Mail),  
Under the Sr. DEE (OP),  
S.E. Railway, Kharagpur,  
Residing at Qtr. No. 436, Unit -3,  
South Side, Kharagpur,  
P.O. Kharagpur,  
Dist. Paschim Medinipur.
  
11. Shri Rabindra Kumar Pattanayak,  
Son of Sri Dandapani Pattanayak,  
Aged about 46 years,  
Working as Motorman  
Under the Sr. DEE (TRS),  
S.E. Railway, Tikiapara,  
Residing at Qtr. No. 469, Unit-4,  
4<sup>th</sup> Avenue, South Side,  
Kharagpur,  
P.O. – Kharagpur,  
Dist. Paschim Medinipore.
  
12. Shri Subhransu Sekhar Maharana,  
Son of Sri Narayan Maharana,  
Aged about 48 years,  
Working as IP (Mail) under  
Sr. DEE (OP), S.E. Railway,  
Kharagpur, P.O. Kharagpur,  
Residing at Bungalow No. 325,  
Unit – 4,

3<sup>rd</sup> Avenue; South Side,  
Kharagpur, P.O. Kharagpur,  
Dist. Paschim Medinipore.

.. Applicants

- V E R S U S -

1. Union of India through the  
General Manager,  
South Eastern Railway,  
Garden Reach Road,  
Kolkata - 700 043.
2. Sr. Divisional Personnel Officer,  
S.E. Railway, Kharagpur,  
P.O. Kharagpur,  
Dist. Paschim Medinipore - 721301.
3. Sr. Divisional Electrical Engineer (OP),  
S.E. Railway,  
Kharagpur,  
P.O. - Kharagpur,  
District - Paschim Medinipore - 721301.
4. Shri Anup Kumar Ghosh,  
Working as Loco Pilot (Pass),  
Kharagpur. 721301.
5. Shri J.N. Subudhi,  
Working as LP (Pass),  
Kharagpur - 721 301.
6. Shri J.K. Nayak,  
Working as LP (Pass),  
Kharagpur - 721 301.
7. Shri T.K. Samanta,  
Working as LP (G),  
Kharagpur - 721301.
8. Shri C. Mishra,  
Working as LP (G),  
Kharagpur - 721301.

9. Shri P.K. Chowdhury,  
Working as LP (Pass),  
Kharagpur.
10. Shri R.K. Singh,  
Working as LP (Mail),  
Kharagpur - 721301.
11. Shri P.C. Hansda,  
Working as LP (Pass),  
Kharagpur - 721 301.
12. Shri A.K. Sahoo,  
Working as Sr. Motorman,  
Kharagpur - 721 301.
13. Shri D.Ch. Surya Narayana,  
Working as LP (G),  
Kharagpur - 721 301.
14. Shri S.C. Subudhi,  
Working as LP (G),  
Kharagpur - 721 301.
15. Shri B.K. Bhoi,  
Working as LP (Mail),  
Kharagpur - 721 301.

.. Respondents

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. A.K. Dutta, Counsel

**O R D E R (Oral)**

**Per Mr. Justice L. Narasimha Reddy, Chairman:**

The applicants were working as Loco Pilots in the year 2010. Promotion from that post is to the one of Loco Inspector. It is on the basis of selection by conducting a

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written test. A notification was issued on 3.9.2010 publishing a list of candidates, who were eligible to take the examination. The applicants challenge the same. They contend that when the vacancies were only 13, the respondents ought to have permitted only 39 candidates in the ratio of 1:3 and by enlarging the zone of consideration, they have weakened the scope of their being selected. Reliance is placed upon memo dated 19.6.2009.

2. The respondents filed a counter affidavit. It is stated that the plea of the applicants that only candidates thrice the number of vacancies must be permitted to take examination is not supported by any rule and, in fact, it applied in cases where written test is held, it would reduce the possibility of selecting suitable and bright candidates. It is also stated that the memo dated 19.6.2009 was issued in a totally different context.

3. We heard Mr. A. Chakraborty leading Ms. P. Mondal, Ld. Counsel for the applicant and Mr. A.K. Dutta, ld. Counsel for the respondents.

4. The notification dated 30.9.2010 was issued as a prelude for selection of candidates to fill 13 vacancies for the post of Loco Inspector. Obviously, because the posts are of highly technical in nature, written test is conducted for selection of candidates. Naturally, whoever is eligible to take the examination, must be permitted. Restriction of zone of consideration to thrice the number of vacancies; is adopted when the selection is straightaway through the process of

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evaluation of service records or where no written test is conducted. Once written test is prescribed, every eligible candidate needs to be permitted to take part therein. It goes without saying that even if large number of candidates are qualified in the written test, shortlisting has to be done to the extent of thrice the number of vacancies at the final stage of selection. The applicants are not able to point out any provision of law which supports their contention.

5. The memo dated 19.6.2009 was issued in the light of various judicial pronouncements of High Courts and Supreme Courts in relation to the method of preparation of select lists. In all those cases, the lists of candidates were arranged in accordance with seniority. That was held to be not proper and it was directed that the arrangement of the candidates shall be in accordance with merit. The memo has no relevance at all for the impugned notification, since it is only about the initial stage of conducting written examination. The memo gets attracted at a stage subsequent to the conducting of written examination. At any rate, the process which began in the year 2010 has not only concluded but also many selected candidates may have retired from service.

6. We do not find any merit in the O.A., the O.A. is dismissed accordingly.

*(Dr. Nandita Chatterjee) (Justice L. Narasimha Reddy)*  
*Administrative Member Chairman*

**SP**