

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

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O.A.NO.2678/2003

Wednesday, this the 5th day of November, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri S. A. Singh, Member (A)

Mr. Bal Mukund s/o Shri Narain Dass  
Dy. Chief Controller  
Northern railway  
DRM Office, New Delhi  
c/o Shri R.K.Chopra  
Dy. Chief Controller  
Railway Colony, Basant Lane  
Pahar Ganj, New Delhi

..Applicant

(By Advocate: Shri Khairati Lal)

Versus

1. Union of India through  
General Manager (P)  
Northern Railway, Baroda House  
New Delhi
2. Divisional Railway Manager  
Northern Railway  
State Entry Road, New Delhi
3. Ravinder Kumar Malik  
Chief Controller Control Office  
DRM Office, New Delhi

..Respondents

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

Earlier the applicant had preferred OA-428/2003.  
On 26.2.2003, the same was disposed of directing the  
Divisional Railway Manager, Northern Railway to consider  
the appeal and pass a speaking order.

2. By virtue of the present application, the said  
order that has been so passed is being challenged.

3. Learned counsel for applicant contends that he  
was senior to Ravinder Kumar Malik, who has been  
empanelled for the post of Chief Controller while the

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claim of the applicant has been ignored. The reason given by the appellate authority reads:-

"Candidates are placed on the panel subject to number of vacancies and D&AR/Vigilance clearance on the basis of suitability adjudged by the selection Board. The norms as laid down in GM(P) letter No.831-E/63-2/XIV/A/EIV dated 21.10.99 issued under P.S.No.11862/99 for consideration by the selection board comprise.

a) Candidate must secure 60% marks in professional ability comprising written test (35 marks) and viva-voce (15) marks and 60% marks in aggregate.

b) Personality, address, leadership and academic qualification.

c) Record of service and performance on the basis of annual confidential reports of last three years

d) Seniority marks


Your name was not placed on the panel as although you were eligible to appear for the viva-voce by adding the notional seniority marks, you could not secure 60% marks in the professional ability (comprising written test and viva-voce marks) as adjudged by the selection board on the other hand Shri Ravinder Kumar Malik was placed on the panel because he fulfilled the norms (including securing of 60% marks in the professional ability). Therefore, your claim for being placed on the panel of Chief Controller is not tenable."


4. It is obvious from the reasons given that the applicant could not make the grade in terms that he could not secure 60% marks which were necessary before a person could be empanelled. In the present case, our attention has not been drawn to prompt us to interfere that there was any malafides or any other fact in this regard.

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5. Resultantly, there is no scope for interference. Petition must fail and is accordingly dismissed in limine.

  
( S.A. Singh )  
Member (A)

  
( V.S. Aggarwal )  
Chairman

/sunil/