

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00789/2015**

Jabalpur, this Thursday, the 09<sup>th</sup> day of January, 2020

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Punit Pataria Son of Shri Manmohan Pataria, agd 26 years  
R/o QR. No. 62/3a/15b-1, Laxmi Niwas New Janta Colony,  
Mustzab Quarters, Agra Cantt. District Agra (U.P.) PIN  
Code 282 001

-Applicant

(By Advocate –**Shri Ajay Pratap Singh**)

**V e r s u s**

1. Union of India through its General Manager Western Railway Churchgate, Mumbai (Maharashtra) PIN Code 400020
  2. The Executive Director Railway Recruitment Board, East Railway Colony Bhopal PIN Code 462053
  3. The Chairperson Railway Recruitment Board East Railway Colony, Bhopal Pin Code 462053
  4. The Divisional Railway Manager, Western Railway Baroda (Gujrat) PIN code 390004
  5. The Chairman, Railway Board, Rail Bhawan, New Delhi PIN 110001
  6. The General Manager, West Central Railway, Indira Market Jabalpur PIN 482001
- **Respondents**  
(By Advocate –**Shri Arun Soni** for respondents Nos.1 & 4, **Shri Swapnil Ganguly** for respondents Nos.2 & 3 and **Shri Vijay Tripathi** for respondent No.6)  
*(Date of reserving the order :-08.04.2019)*

## ORDER

### **By Ramesh Singh Thakur, JM:-**

The applicant is aggrieved by the action of the respondents in not considering his case for appointment to the Post of Senior Section Engineer Electricals (GS), SSE Electrical (TRD), SSE Electrical (TRS) etc. in W.C.R. or Ratlam Division of W.R. under RRB Bhopal.

**2.** The applicant has prayed for the following reliefs:-

*“8(i) This Hon’ble Tribunal may kindly be pleased to direct respondents to consider case of applicant for appointment to the post of Senior Section Engineer Group Grade Pay Rs.4600/- under R.R.B. Bhopal as per preference already give and exam taken by RRB Bhopal and be allotted W.C.R. or Ratlam Division of W.R. under RRB BPL instead of allotment appointment as SSE/Sig at Vadodara under RRB Ahmadabad. Consequently modify order dated 09.07.2015 accordingly may kindly be pleased to consider applicant for the appointment on the post of S.S.E. (Electrical (GS), SSE (Electrical (TRD), SSE Electrical (TRS) Senior Material Superintendent and for medical fitness in Medical Category below A3 (B-1 and C1) in W.C.R. or Ratlam Division of W.R. under RRB Bhopal. So also to conduct medical fitness tests for the said posts as per statutory provision/Category A3 (B-1 and C1) prescribed in Indian Railway Medical Manual Annexure A/ and modify medical category prescribed in notice no.02/14 vis-à-vis IRMM.”*

3. The brief facts of the case is that the Railway Recruitment Board, Bhopal had issued centralized employment No.02/2014 dated 20.09.2014 for Junior Engineers and for Senior Section Engineer (S.S.E.) Group. The applicant submitted online application for S.S.E. Group Grade Pay of Rs.4600/- and preferred RRB Bhopal for SSE Post. The written exam was held on 21.12.2014 pursuant to Central Employment Notice No.02/2014. The applicant was informed by RRB Bhopal vide communication dated 30.04.2015 that his name has been recommended to C.P.O. Western Railway Church Gate, Mumbai for appointment for post of S.S.E. (Signal). A copy of which is annexed at Annexure A/5. The applicant vide order dated 09.07.2015 was informed that he has been offered appointment as Apprentice SSE/Signal. A copy of which is annexed at Annexure A/6. The applicant submitted detailed representation dated 29.07.2015 to respondent No.1 for consideration of appointment under RRB Bhopal, W.C.R. and Ratlam Division of W.R. for

allotment of post like S.S.E. Electrical (G.S.), S.S.E. Electrical (T &D), Senior Depot Material Superintendent in Medical Category B-1. A copy of representation is annexed at Annexure A/7. As per Centralized Employment No.02/2014 the medical category A-3 has been mentioned against all various technical posts and same are not as per statutory provision of IRM. Whereas pursuant to said Notice No.02/2014 under RRB Bhopal vide letter dated 01.06.2015 post of S.E. Electrical for medical examination in category B-I has been mentioned. A copy of which is annexed as Annexure A/8. The applicant again submitted another representation dated 01.09.2015 for allotment of SSE Electrical or below Medical Category A-3 under RRB/BPL. Respondents arbitrarily insisting to terminate services and sent letter dated 07.08.2015 (Annexure A/10). The application for considering applicant's candidature as per medical category below A-3 as per RMM in case of similarly situated candidates in W.C.R. Hence, this Original Application.

4. The respondents Nos. 1 & 4 have filed their reply to the Original Application. In the preliminary objection the respondents have submitted that once the applicant applied, he was well aware about the terms and conditions of the employment notice and he admit to follow the same. The applicant now at this stage he has no right to challenge the same on any ground. Moreover, after the written examination from RRB the candidate was allotted to the concerned Railway GM (E) CCG. GM (E) CCG has allotted the applicant to BRC Division vide letter dated 30.06.2015 in S & T Department. An offer of letter has been issued vide letter dated 09.07.2015 and applicant has also given an application and accepted the terms and condition for report to this office on 16.07.2015 even than applicant has not turned up to this office till in this regard. Reminders have been issued on 07.08.2015 and 04.09.2015 even then applicant has not turned up and non materialization report sent to GM (E) CCG vide this office letter dated 18.09.2015. Therefore the aforesaid conduct

of the applicant shows that he is no more interested to join the service. Hence he has no case only on this count alone.

**5.** Respondent No.3 has filed reply wherein it has been submitted that the Centralized Employment Notification No.2/2014 was issued by the Nodal Railway Board, Secunderabad with a direction of the Railway Board, Rail Ministry, New Delhi for various posts of Junior Engineer and Senior Section Engineer Groups of All Railway Recruitment Boards. The notification was published through the Employment News on 20-26<sup>th</sup> September, 2014 and was also available with the website of Railway Recruitment Board. Through this notification, online applications were invited from the eligible Indian Nationals. As per the employment instructions at item No.3 of the notification, the candidates are required to apply online to any one Railway Recruitment Board only, separately for SSE and/or JE Group depending upon the eligibility on the website of RRB. The applicant was a candidate of SSE Group of Railway Recruitment Board

Bhopal. As per choice of posts, preference shown in his application and the merit position by securing marks in written examination, the name of the applicant was recommended for S.S.E. Signal to Chief Personnel Officer, Western Railways Mumbai, for giving him appointment against the vacancy given on their indent dated 12.11.2013 and 06.11.2014. The entire recruitment process was done by the RRB/answering respondent in accordance with the criteria of concerned employment notification. Hence the RRB has followed all the instructions as per the Employment Notice. After the examination, the name of applicant was recommended for SSE CPO Western Railway Churchgate Mumbai and in turn, the concerned Division/Railway is to complete the formalities and to issue appointment order.

**6.** Respondent No.2 and 3 have filed his reply on 05.04.2019 wherein it has been submitted that a total of 21 Railway Recruitment Boards on Indian Railway working under Ministry of Railways are responsible for recruitment

of Group 'C' staff against vacancies existing on Zonal Railway assigned to each RRB. Zonal Railways send indents for the vacancies existing in various categories of posts to their respective RRBs which are then consolidated and published in a common Centralized Employment Notice (CEN) with other terms and conditions for recruitment on Indian Railways. While applying candidate has to select/apply to only one RRB and then he has to give order of preference for the posts in the selected RRB. Before filling up the application, candidate has to ensure that he fulfils all the requirements for the applied post, failing which his candidature can be cancelled. Although all efforts are made to allot a post to the selected candidate in the order of his preference, however, in case of exigencies railway reserves the right to post selected candidates to other railway units where there is severe shortage of staff and train working is affected by vacancies. All these conditions are clearly spelt out in the CEN. The respondent in reply to Para 4.8 of the O.A. has

submitted that the Centralized Employment Notification No.2/2014 was published on 20.09.2014 for recruitment of Junior Engineer and Senior Section Engineer of various technical departments like Civil, Mechanical, Electrical, Signal and Telecom of Indian Railways. RRB selected candidates are moved out of the chosen RRB jurisdiction to other zonal Railways where the situation is critical based on Railway Board direction. This was brought to the notice of prospective candidates through Para No.1.07 of CEN 02/14:-

*“Preference of post (s) and / or Railway (s) unit : Candidates should give their order of Preference of category of post(s) and the Railway (s) unit while applying. RRB will allot the post and the Railway/unit to the selected candidates as per the preference of the candidates subject to merit and vacancy position. However, RRBs reserve the right to allot even non-preferred post and / or Railway/Unit subject to merit and vacancy position.”*

7. Secondly, CEN 02/2014 was a common notification for JE/SSE belonging to all technical departments with different medical standards as per job requirement. To eliminate complications in the recruitment process, the

highest medical standard A-3 was indicated in the CEN for availing a wider choice. It was brought to the notice of prospective candidates in CEN 02/14 vide Para 11.08 that they will be subjected to medical standards as per IRMM during medical examination which is as under:-

*“All selected candidates will be subjected to medical examination by Railway Medical authorities at the time of appointment and only those conforming to the medical standards as laid down in the Indian Railway Medical Manual and other extant provisions, as the case may be will be eligible for appointment.”*

8. It is submitted by the replying respondents that vide letter dated 01.06.2015 (Annexure A/8) directing the candidate Rahul Soni for medical examination in B-1 category is in order. As per RRB Bhopal letter dated 30.04.2015, Rahul Soni is empanelled as “SSE (Electrical)”, medical category for which is B-1 as per Indian Railway Medical Manual (IRMM). Details of the medical standard adopted for medical examination of the empanelled candidates of CEN 02/14 by Jabalpur Division

of WCR viz a viz prescribed medical standards as per IRMM are given below:-

| S. No. | Post                    | Cat. No. | Medical Standard as per IRMM | Medical Standard adopted by DRM (P) Jabalpur WCR/No of Candidates. |
|--------|-------------------------|----------|------------------------------|--|
| 1.     | S.E. (Works)            | 3        | B-1                          | 02 candidates<br>B-1 (Fit)   |
| 2.     | S.E. (C&W)              | 10       | A-3                          | 02 candidates<br>A-3 (Fit)   |
| 3.     | S.E. (Electrical)<br>TL | 21       | B-1                          | 25 candidates<br>B-1 (Fit)   |
| 4.     | S.E. (Signal)           | 28       | A-3                          | 10 candidates<br>A-3 (Fit)   |
| 5.     | SE (Tele)               | 29       | A-3                          | 03 candidates<br>A-3 (Fit)   |

9. It has been further submitted by the respondents that the procedure for preparation of merit list/panel is stipulated in Para 316 of the RRB Manual issued by Railway Board. As per Para No.316.3.3 'In case of common examination categories, the allotment of a successful candidate to various categories will be based on the merit and preference given by him.' The panel of successful candidates is prepared as per merit and while allotting a

post to a candidate, his post preferences are tallied from first to last with the available vacant posts and allotment made accordingly in the order of preference. In the case of applicant, post preferences given by him in the online application are 1. Sr. Section Engineer (Signal) (WCR) 2. Sr. Section Engineer (Telecommunication) (WR) 3. Sr. Section Engineer (Telecommunication) (WCR) 4. Sr. Section Engineer (Signal) (WR) 5. Sr. Section Engineer (Electrical/Electrical (GS) (WR) 6. Sr. Section Engineer Carriage and Wagon (Signal) (WCR) 7. Sr. Section Engineer (Mechanical) (WR). The applicant has scored 55.4 marks and the cut off for his first choice SSE/Sig (WCR) was 57.11 (for SC), second choice SSE/Tele (WR) was 56.59 (for SC), third choice SSE/Tele (WCR) was 58.03 (for SC). He was allotted his fourth choice SSE/Sig (WR) cut off for which is 55.4 (for SC). Hence there has been no shortcoming in the issue of CEN 02/14. Drawing up of panel of successful candidates by RRB/BPL (respondent No.3) or allotment of Boroda Division by

GM/WR (Respondent No.1) or medical examination of successful candidates of the panel by GM/WCR (respondent No.6) is in line with the provisions of CEN 02/14 and there has been no violation.

**10.** Heard the learned counsel for both the parties and perused the pleadings and documents attached with the O.A.

**11.** From the pleadings it is admitted fact that the applicant had applied for Senior Section Engineer (SSE) in response to the employment notice. It is also admitted fact that after the written examination from RRB, the candidates were allotted to the concerned Railway GM (E) CCG and the applicant was further allotted to BRC Division and an offer of letter was issued vide letter dated 09.07.2015 and applicant had accepted the terms and condition for report to the office. It is also admitted fact that the applicant has not turned up despite reminders issued by the respondents on 07.08.2015 and 04.09.2015. Resultantly the non materialization report was sent to GM

(E) CCG vide office letter dated 18.09.2015. From the pleadings it is also clear that the Centralized Employment Notification No.2/2014 was issued by the Nodal Railway Board, Secunderabad with a direction of the Railway Board, for various posts of Junior Engineer and Senior Section Engineer Groups of All Railway Recruitment Boards and response to that employment notification was published on 20-26<sup>th</sup> September, 2014. The applicant was a candidate of SSE Group of Railway Recruitment Board Bhopal. As per choice of posts, preference shown in his application and the merit position by securing marks in written examination, the name of the applicant was recommended for S.S.E. Signal to Chief Personnel Officer, Western Railways Mumbai, for giving him appointment. It is also admitted fact that Railway Recruitment Board is responsible for recruitment of group C Staff. Before filling up the application, candidate has to ensure that he fulfils all the essential requirements for the applied post.

12. As per common notification CEN 02/2014 for JE/SSE belonging to all technical departments with different medical standards as per job requirement, the highest medical standard A-3 was indicated in the CEN for availing a wider choice and medical standards as per IRMM during medical examination. The respondents vide letter dated 01.06.2015 directed Rahul Soni for medical examination in B-1 category and was empanelled as “SSE (Electrical)”. In the case of applicant medical category for which is B-1 as per Indian Railway Medical Manual (IRMM). In the case of applicant, post preferences given by him in online application are 1. Sr. Section Engineer (Signal) (WCR) 2. Sr. Section Engineer (Telecommunication) (WR) 3. Sr. Section Engineer (Telecommunication) (WCR) 4. Sr. Section Engineer (Signal) (WR) and so on. The applicant has scored 55.4 marks and the cut off for his first choice SSE/Sig (WCR) was 57.11, second choice SSE/Tele (WR) was 56.59, third choice SSE/Tele (WCR) was 58.03. The applicant was

allotted his fourth choice SSE/Sig (WR) for which the cut off was 55.4. Drawing up of panel of successful candidates by RRB/BPL or allotment of Boroda Division by GM/WR on medical examination of successful candidates of the panel by GM/WCR is as per the provisions of CEN 02/14.

**13.** From the pleadings it is clear that there are total 21 Railway Recruitment Boards on Indian Railways working under Ministry of Railway are responsible for recruitment of Group 'C' staff against vacancies existing on Zonal Railway assigned to each RRB. All efforts are made to allot a post to the selected candidate in the order of his preference, however, in case of exigencies railway reserves the right to post selected candidates to other railway units where there is severe shortage of staff and train working is affected by vacancies. All these conditions are clearly spelt out in the CEN. The relevant Para No.1.07 of CEN 02/14 is as under:-

*"Preference of post (s) and / or Railway (s) unit : Candidates should give their order of Preference of*

*category of post(s) and the Railway (s) unit while applying. RRB will allot the post and the Railway/unit to the selected candidates as per the preference of the candidates subject to merit and vacancy position. However, RRBs reserve the right to allot even non-preferred post and / or Railway/Unit subject to merit and vacancy position.”*

**14.** Secondly, all the selected candidates will be subjected to medical examination by Railway Medical authorities at the time of appointment and only those conforming to the medical standards as laid down in the Indian Railway Medical Manual and other extant provisions, as the case may be will be eligible for appointment. The allotment of Division has been made according to the order of preference. The applicant has given preferences in the online applicant. The first three preferences the applicant has secured less marks than the cut off and ultimately the applicant was allotted Baroda Division after considering his order of preferences and the marks obtained.

**15.** It is clear from the pleadings that the recruitment has been done as per law on the basis of various provisions. As

per reply furnished by the respondents the applicant has been rightly allotted Baroda Division on the basis of preferences furnished by the applicant and also the applicant has been rightly allotted Baroda Division which was his fourth preference due to the fact that earlier three preferences divisions have higher cut off marks than the marks obtained by the applicant.

**16.** In view of the above, we do not find any ambiguity, illegality or irregularity in the action of the respondent-department.

**17.** Resultantly, this Original Application is dismissed with no costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

**(Navin Tandon)**  
**Administrative Member**

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