

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1862/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 15th day of December, 1999

1. Goverdhan Lal
s/o Shri Bhagirath
working as JT-I, Electrical
Workshop
Dayabasti
Delhi
r/o N-528, Mangole Pure
Delhi - 83.
 2. Dharam Pal Singh
working as JE-I, Power Supply
Northern Rly. Station
Sarojni Nagar
New Delhi.
r/o 16/1, Rly. Colony
Sarojini Nagar
New Delhi.
 3. Ram Saran
s/o Sh. Salip Singh
working as JE-I, Dil,
Engine and Pumps Dept.
Northern Railway Station
Sakurbasti
Delhi.
 4. Suresh Kumar
s/o Sh. Kanshi Ram
Working as JE-I, ACC,
Rly. Station
Nizamuddin
Delhi.
 5. Shiv Kumar
s/o Sh. Basant Lal
working as JE-I
ACC, New Delhi Rly. Station
New Delhi.
- ... Applicants

(By Shri Yogesh Sharma through Shri V.P.Sharma,
Advocate)

Vs.

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi.

3. Sr. Divisional Electric Engineer (General)
DRM's Office, Northern Railway
State Entry Road, New Delhi. ... Respondents

(By Mrs. Meera Chhibber, Advocate)

O R D E R (Oral)

By Reddy J.

Heard the counsel for the parties. The applicants are working as Junior Engineers Grade-I in the office of Divisional Railway Manager, Northern Railway. The next promotion for the applicants is to the post of Section Engineer in the pay scale of Rs.6500-10500.

2. It is the case of the applicants that they have fulfilled all the conditions of eligibility for promotion to the post of Section Engineer except that they were not imparted with the training as required under the Rules. The respondents however, denied the allegations. It is the case of the respondents that the written test for the post of Section Engineer was conducted on 17.10.1998 and Viva-Voce was conducted on 1.6.1999 for filling up of the 11 vacant posts out of which three were reserved for SC/ST and the remaining 8 for general candidates. It is stated that there was no vacancy reserved for SCs. The result of the Written Test was declared on 12.5.1999 wherein 10 people were declared as qualified for Viva-Voce and that the applicants did not qualify for the Viva-Voce as they have failed in the Written Test. It is also the case of the respondents that a pre selection coaching/training for both SC/ST candidates were arranged on 21.9.1998 to 28.9.1998, wherein applicants No.1, 3 and 4 attended the coaching and the other applicants have not attended the coaching. It is

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therefore contended by the learned counsel for the respondents that three of the applicants having been attended and the remaining absent from coaching.

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However, it is submitted that the allegation that the respondents failed to impart the training is false. The learned counsel for the applicants however denies the allegation made by the respondents and vehemently contends that the respondents failed to impart any coaching to the applicants. He therefore requests the Court to direct the respondents for production of documents to verify whether in fact the coaching has been given to the applicants or not.

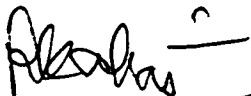
3. We have given careful consideration to the pleadings and the submissions made by the learned counsel for the applicants and the respondents. The short question that arises in this case is whether the applicants were given the training by the respondents or not. The allegation made by the applicants is denied by the respondents. We find from the counter, as stated supra that the respondents have categorically averred in the affidavit filed by the Divisional Personnel Officer in the Office of Divisional Railway Manager that coaching was in fact given to all the applicants but only three applicants as stated above have attended the coaching. It was also stated that the said coaching was given on 21.9.1998 to 28.9.1998 in DRMs office, New Delhi.

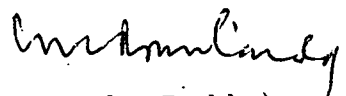
4. In case the respondents have not given the the coaching/training the applicants should not have protested in the written test for promotion. Admittedly, they had not protested that no training

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was given. In fact the applicants had participated in the Written Test. Having not succeeded in the Written Test, they seem to have filed the present OA. There is nothing on record to hold that the affidavit filed by the respondents is not trustworthy. No material is placed before us in support of the plea of the applicants. We do not find any necessity in this case to call for the records and look into the same as we are satisfied, on the basis of the averments made by the respondents in the counter, that in fact training has been arranged to the SC/ST candidates before the written test.

5. In the above circumstances, we do not find any merit in the OA. The OA is dismissed. No costs.


(R.K. Ahooja)
Member(A)


V. Rajagopala Reddy)
Vice Chairman(J)

/rao/