

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.484/95

HON'BLE SHRI R.K. AHOOJA, MEMBER(A)
HON'BLE SHRI SYED KHALID IDRIS NAQVI, MEMBER(J)

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1. Shri D.P. Singh
S/o Shri B.P. Singh
Section Controller
Under Chief Controller
Tundla
- 2, Shri Anand Singh
S/o Shri Krishna Kant Shukla
Section Controller
Under Chief Controller
Tundla

.....Applicants

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The General Manager
Northern Railway
Baroda House, New Delhi
2. The Divisional Railway Manager
Northern Railway
Allahabad

....Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R

[Hon'ble Shri R.K. Ahoja, Member(A)]
The applicants herein Shri D.P. Singh and Shri

Anand Shukla were appointed as Asstt. Station Master in
the year 1983 and 1987 in the grade of Rs.1200-2040. They
submit that the Assistant Operating Superintendent vide his
letter at Annexure A-2, directed that they should be given
promotion as Section Controllers in the grade of
Rs.1400-2600 from 25.2.1990. A notice for regular
appointment for the post as Section Controller was issued
by the D.R.M., Northern Railway, Allahabad on 22.6.1990 in
which Station Masters in the grade of Rs.1400-2300 were
made eligible to apply with a proviso that if adequate
number of persons in that grade were not available then
Station Masters in the grade of Rs.1200-2040 would also be

considered. The applicants also sent their applications but they were not included in the list of admitted candidates issued vide letter dated 14.1.1991 (Annexure A-4). Certain other Station Masters/Guards who were also not admitted to the examination, filed OAs before this Tribunal and the same were allowed. Accordingly, the respondents arranged for another written examination on 8.11.94. The applicants were also allowed by the Station Superintendent to sit in that examination. The grievance of the applicants is that the result published vide Annexure A-1 dated 16.2.1995 listing the names of those found eligible for written test does not include their names. They submit that their result has not been declared and has been wrongly withheld even though they were fully eligible to take the test for promotion to the grade of Section Controller.

2. The eligibility of the applicants to take the test for Section Controller is denied by the respondents. They submit that the applicants were allowed to work as Section Controllers by their local officers in order to carry on day to day work and as such they were ineligible for consideration. They also deny that the applicants' work was satisfactory since certain punishments were awarded to them. They also state that the applicant No.1 Shri D.P. Singh is in the grade of Rs.1400-2300 but his seniority number is 324 while Shri Anand Shukla is in the lower scale of Rs.1200-2040 and even in that grade his name is at S.No.161.

3. Shri B.S. Maine, learned counsel for the applicants submitted that the applicants were entitled to be considered for the reason firstly that they had been

32

(13)

appointed as Section Controllers and had been doing this work independently and to the satisfaction of the respondents. Secondly, he submitted in similar cases the respondents had allowed three persons who had worked independently as Section Controllers for a period of three years to be regularised as Section Controllers but the same concession had not been given to the applicants. There was thus a pick and choose method adopted by the respondents. Thirdly, he contended the applicants had been allowed to take the examination. The applicants, therefore, could not be denied the result of the examination. According to the learned counsel the applicants were in the same position as those persons who had approached the Allahabad Bench of this Tribunal and who had been allowed to take the written test. The learned counsel explained that the applicants were claiming two reliefs - firstly that the result should be declared and secondly that they should be allowed the pay of the Section Controller on which they had admittedly worked as such.

4. We have carefully considered the above submissions but are unable to find any merit therein. It is stated by the applicants themselves that after they had applied, the respondents issued a notice in February, 1991 containing the names of the eligible candidates but even though their names were not in that list, the applicants at that time did not make an issue of it. It was only in 1994 while a supplementary examination for persons who had approached the Allahabad Bench of the Tribunal was held that these persons with the applicants took the test with the permission of the local staff. No list of eligible candidates relating to that examination issued by the DRM, Allahabad has been produced by the applicants. It is.

2

therefore, difficult to conclude that the applicants were permitted to take the examination by a competent authority. The applicants also cannot claim to be similarly placed as the those who had approached the Allahabad Bench and nothing has been stated by them to show that they were entitled to similar directions.

5. The respondents have also shown that both the applicants are relatively junior inasmuch as applicant No. 1 has a seniority of 324 in the grade of Rs.1400-2300 and the second has not even attained the grade of Rs.1400-2300. The applicants cannot claim for a special dispensation only on the ground that through some local arrangement they were allowed to officiate as Section Controllers. It has not been shown that their seniors had been duly considered and passed over for ad-hoc promotion of Section Controller. The claim of the applicants that they are entitled for consideration on the same basis as three other persons who were regularised in 1992 cannot be a count for according them similar treatment. The cases of those three persons who may or may not have been regularised according to the rules but if any concession was given outside the rules that does not give scope for equality de-horse the rules. In any case those three persons were merely senior to the applicants herein.

6. For the aforesaid reason, we do not find any merit in the claim of the applicants for consideration for regular appointment to Section Controller on the basis of the supplementary examination held on 8.11.1994. ~~the direction~~ treatment is, therefore, necessary that the respondents should declare the result.

(15)

7. In so far as the applicants' claim for payment of the pay scale of Section Controller is concerned, their work as such in a local arrangement does not automatically entitle them to the grant of higher pay scale. If they consider that they have an entitlement to charge allowance or extra remuneration on account of any additional duty, it is open to them to make a representation citing the relevant rules to the respondents in the first instance.

8. Therefore, in the light of the discussion above, the O.A. is dismissed. There will no order as to costs.

SC
(SYED KHALID IDRIS NAQVI)
MEMBER (J)

RKA
(R.K. AHOOJA)
MEMBER (A)

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