

(36)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1498/96 with OA No.2353/97

New Delhi, this 14th day of January, 2000

Hon'ble Shri Ashok Agarwal, Chairman  
Hon'ble Smt. Shanta Shastry, Member(A)

OA 1498/96

1. Radhey Shyam
2. Ram Gopal
3. Dilsukh Ram
4. Joginder
5. Mohan Lal

All working as Helper/Khallasasi in  
Loco Shed, Rewari

.. Applicants

(By Shri V.P. Sharma, Advocate)

versus

Union of India, through

1. General Manager  
Northern Railway, Baroda House  
New Delhi
2. Divisional Railway Manager  
Northern Railway, Bikaner
3. Secretary  
Railway Board, Rail Bhavan  
New Delhi

.. Respondents

(By Shri R.L. Dhawan, Advocate)

OA No.2353/97

1. Rameshwar
2. Arvind Kumar
3. Keshav Prashad
4. Hari Shanker

All working as Khalasi in  
Northern Railway, Ghaziabad

.. Applicants

(By Shri V.P. Sharma, Advocate)

versus

Union of India, through

1. General Manager  
Northern Railway  
Baroda House, New Delhi
2. Divisional Railway Manager  
Northern Railway, Delhi Dn.  
New Delhi
3. Divisional Personnel Officer  
Northern Railway, Delhi Dn.  
New Delhi

.. Respondents

ORDER(oral)

Hon'ble Smt. Shanta Shastri

(37)

The matter relates to promotion from Group 'D' to Group 'C', i.e. to the post of Clerk in the Railways. Applicants (in OA 1498/96) while working as Helper-Khalasi in the Mechanical Department (on line establishment) applied for selection and promotion to Group C post in 1992. They were called for written test and viva-voce test. However, they have not been promoted to Group C.

2. It is the contention of the learned counsel for the applicants that after having been called for written test as well as viva voce, there was neither any intimation of the result nor have they been promoted, while those who belong to office line have been promoted. According to the applicants, the post of Clerk is a promotion post for Group 'D' and staff in the Mechanical Department (on line establishment) are also entitled to be considered for promotion.

3. Learned counsel for the respondents states that it was through inadvertance that the applicants were called for the written test and viva voce. They are not eligible for consideration according to PS No.2674. The learned counsel also submits that an OA No.336/92 was filed in the Jodhpur Bench of this Tribunal in a similar matter and by a decision dated 1.2.94, the Tribunal held as follows:

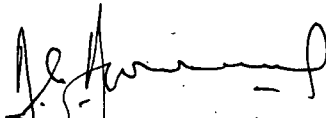
"Further, the names of the candidates belonging to categories III, IV and V in the impugned notification dated 3.3.1992 i.e. Group D staff in the Engineering, Mechanical, Electrical and Signal and Telecommunication departments and also Group D staff who had not completed 5 years service, who were not eligible shall be removed from the list of qualifying candidates except to the extent such staff may have been included in the promotion groups in the Northern Railway before issue of impugned notice dated 3.3.92, with the approval of the competent authority as per para 3 of Railway Board's letter dated 19.5.84 published with Printed Serial No.0530 dated 3.6.84."

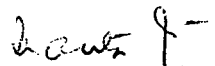
38

4. It is seen from this judgement that the OA related to the same selection process of Group 'D' employees to Group 'C' which was held in 1992, for which the applicants in this OA were also considered. Thus the applicants are similarly placed to the applicants in the OA decided by the Jodhpur Bench of this Tribunal. We are in agreement with the decision of the Jodhpur Bench. The applicants belong to the Mechanical Department and are therefore not eligible. Thus the applicants have no case. The OA is, therefore, dismissed with no costs.

OA No.2353/97

5. The issues and the legal points involved in this OA are also similar to those in OA No.1498/96. Hence on the same analogy this OA is also dismissed. No costs.

  
(Ashok Agarwal)  
Chairman

  
(Smt. Shanta Shastri)  
Member I(A)

/gtv/