

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(8)

O.A./XXX. No. 2065 of 1996 Decided on: 20/11/92

Shri N.L. Goswami & OthersApplicant(s)

(By Shri B.S. Mainee Advocate)

Versus

U.O.I. & OthersRespondent(s)

(By Shri D.S. Mahendru Advocate)

CORAM:

THE HON'BLE SHRI DR. JOSE P. VERGHESE, VICE CHAIRMAN

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

1. Whether to be referred to the Reporter *yes* or not?
2. Whether to be circulated to the other *✓* Benches of the Tribunal?

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(K. MUTHUKUMAR)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2065 of 1996

New Delhi this the 20th day of November, 1997 (9)

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Shri N.G.L.Goswami
S/o Shri N.B.L. Goswami
2. Shri P.N. Mishra
S/o Shri R.K. Mishra
Both are working as Head Ticket
Collector Western Railway,
Agra Fort,
Agra.
3. Shri Kamlesh Gupta
S/o Shri R.P. Gupta
Head T.T.E.
Western Railway,
Kota. Applicants

By Advocate Sh. B.S. Mainee versus

Union of India through

1. The General Manager,
Western Railway,
Church Gate,
Bombay.
2. The Divisional Railway Manager,
Western Railway,
Kota.
3. Shri K.B. Chourisa
Head T.T.E.
4. Shri G.L. Khatri
Head T.T.E.
5. Shri P.K. Chorisya
Head T.T.E.,
Gangapur City.
6. Shri Naim Beg Misra
Head T.T.E.,
Agra Fort.
7. A.K. Jain
Head T.T.E.,
Kota.
8. Shri K.K. Tatrari
Head T.T.E.,
Bharatpur.
9. Shri K.N. Kapoor
Head T.T.E.,
Gangapur City.

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10. Shri B.S. Duggal
Head T.T.E.,
Bharatpur.
11. Shri Dominic Francis
Head T.T.E.,
Kota.
12. Shri O.P. Sharma (R)
Head T.T.E.,
Kota.
13. Shri Samsood Goni
Head T.T.E.,
Kota.
14. Shri Umesh Rawat
Head T.T.E.,
Kota.
15. Shri Satya Narayan
Head T.T.E.,
Kota.
16. Shri Jitendra Singh
Head T.T.E.,
Gangapur City.
17. Shri N.K. Purswami
Head Ticket Collector,
Agra Fort.
18. Shri Vijay Kumar Jain
Senior Ticket Examiner,
Kota.
19. Shri Ram Bhajan Thitar
Head Ticket Collector,
Kota.
20. Shri Ramji Lal Soni
Head T.T.E.,
Kota.
21. Shri Ram Kishan K
Head Ticket Collector,
Kota.
22. Shri S.P. Bhatnagar
T.T.E.,
Kota.
23. Shri R.C. Meena
Head T.T.E.,
Gangapur City.
24. Shri Maqsad Mohd.
T.T.E.,
Gangapur City.
25. Shri Suraj Mal Meena
Head Ticket Collector,
Madhopur.

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26. Shri Ram Lal Meena
Head Ticket Collector,
Gangapur City.

27. Shri Virender Kumar
Head T.T.E.,
Gangapur City.

28. Shri Neel Kamal
Head T.T.E.,
Kota.

29. Shri Ram Prasad 'C'
Head Ticket Collector,
Kota.

30. Shri Nand Lal
Head Ticket Collector,
Madhopur.

31. Shri Abdul Hanif
Head T.T.E.,
Kota.

32. Shri Subnash Chand Sharma
Head T.T.E.,
Kota.

33. Shri Shree Kant N
Head T.T.E.,
Gangapur City.

34. Shri Mangi Lal Meena
Head Ticket Collector,
Kota.

35. Shri Dhee Ram
Head Ticket Collector,
Bayana.

36. Shri Braj Lal Meena
Head Ticket Collector,
Kota.

37. Shri Abdul Hamid
Head T.T.E.,
Gangapur City.

38. Shri Roop Kishore T
Head T.C.,
Gangapur City.

39. Shri Anil Kumar Aggarwal
Head T.C.,
Agra Fort.

40. Shri Ramesh Chand Meena
Head T.T.E.,
Agra.

41. Shri Om Prakash N
Head T.T.E.,
Agra.

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42. Shri Naresh Kumar Meena
Head T.T.E.,
Agra.

43. Shri Ramesh Chand
Head Ticket Collector,
Bharatpur.

44. Shri K.C. Yadav
Head T.T.E.,
Bharatpur.

... Respondents

(all through the Divisional Railway
Manager,
Western Railway,
Kota)

By Advocate Shri D.S. Mahendru.

ORDER

Hon'ble Mr. K. Muthukumar, Member (A)

The applicants are Senior Ticket Collectors in the grade of Rs.1200-2040. They are aggrieved that the respondents had not followed the correct procedure for filling up of the vacancies by selection for the post of Head Ticket Collector/Head T.T.E. in the grade of Rs.1400-2300. (One of the applicants, namely, applicant No.3 later withdrew from this case with the permission of the Court). Thereby, they have been deprived of the number of chances that should have been available to them had the selection been held in accordance with the rules. According to them, they were eligible to appear against the vacancies of 1993, 1994 and 1995.

2. The respondents notified the selection on the basis of the written examination for filling up 45 posts by their Notification dated 14.9.1995 and on the basis of the written test and the interview, the respondents prepared a panel of 42 candidates who passed the selection. It is submitted on behalf of the respondents, that all the available vacancies



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as on 31.8.1995 were taken into account. It is further contended that the currency of panel is for 2 years. It is also stated that the yearly selection is not a mandatory requirement.

3. The case of the applicants is that the respondents have clubbed all the vacancies and did not conduct test year-wise. A single test was conducted in 1995 for all the vacancies upto 1995 and thereby candidates who would normally have got additional chances to appear in the selection, had the respondents conducted selection every year, had been denied these chances. They rely on the Department of Personnel & Training and Administrative Reforms O.M. dated 24.4.1990 governing the principle of promotion to the selection post not only for the purpose of considering the number of candidates within the zone of consideration but also on the question of preparation of year-wise panel against the respective year's vacancies. The respondents, however, deny that the aforesaid circular has any application in the Railways and maintain that the selection has been made strictly in accordance with the rules and procedure laid down by the Railway Establishment. They also contend that in the selection test held in 1995, the applicants appeared in the test but they had failed to qualify in the written test. In the selection test held in 1993, the applicants were ineligible. The applicants were eligible in 1994 but no selection was held in that year. In the selection held in 1993, 47 persons were placed on the panel but in the selection held in 1995, 11 vacancies which occurred after 1.1.1993 were taken into account along with the vacancies of 1994 and 1995 and 42 candidates who were successful in the



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selection were placed in the panel. Respondents aver that the applicants had suppressed the information regarding their failure to qualify in the written test.

4. We have heard the learned counsel for the parties and have perused the record.

5. It is an admitted position that the promotion to the post of Head TTE is by selection. It is seen that the Railway Administartion have separate selection procedure for promotion of Group 'C' staff. This is prescribed in Section 'B' Chapter II of the Indian Railway Establishment Code Volume-I. The applicants belong to the Group 'C'. According to para 215 thereof, 'Selection Post' is to be filled by positive act of selection made with the help of Selection Boards from amongst the other eligible candidates for such selection and the positive act of selection may consist of written test and/or viva-voce test; and in every case viva-voce being a must, a minimum service of 2 years in the grade is required for being eligible for such promotion. Eligible staff upto 3 times of the number of staff to be empanelled will be called for written test and viva-voce test. In terms of para 214(c)(v), the suitability test should be held at interval which should not be less than six months and all eligible candidates as per seniority including those who failed should be called. From the averments made by the respondents it is seen that for the 1993 vacancies upto March, 1993, 42 candidates were selected on the basis of the selection in accordance with the above procedure. It is stated that the applicants were not eligible for that year's selection. There is no averment in the application to the effect that the applicants were eligible for 1993 selection.



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failed to hold selection in the year 1993 whereas it is pointed out that the respondents held the selection in 1993 and 47 persons were placed in the panel for vacancies upto February, 1993. It is, however, an admitted position that there were no selection in the year 1994 and the next selection was made only in 1995 for the 45 vacancies as stated earlier. As stated by the respondents in terms of the provisions and the manual, there is a requirement that the selection should be on the basis of a written test and viva-voce and the suitability test should be held at an interval not less than 6 months. In the present case, respondents have held the test in 1995. There is no specific requirement in the manual that the suitability test should have to be mandatorily held every year. All that is required is that there should not be an interval of less than 6 months between the tests. But there is no specific bar for conducting the test at longer intervals. It is stated that every year's anticipated vacancies are taken into account for holding selection and when the vacancies do not get adjusted and the panel which lasts for more than one year. In terms of the provisions of the manual, a panel can be valid for 2 years {Para 220 of the IREM (Supra)}. The selection process in the department of Railways being different and is as prescribed in the aforesaid provisions of the Indian Railway Establishment Manual. The requirement of year-wise panels on the basis of year-wise vacancies does not at all seem to have been made applicable in the case of selection for Group 'C' posts in the Railways and there is no specific Rule or Provision in the Indian Railway Establishment Manual which can be shown to have been not complied with by the respondents in the present case. The applicants grievance that by not conducting the year-wise selection, the

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applicants have lost their chance is also considered. The manual provision does not indicate any limit in the number of chances to be availed off by the eligible candidates. On the other hand, para 214 (c)(v) provides for eligible candidates to be called for interview including those, who failed at the earlier test as per their seniority. Therefore, if the applicants had failed to qualify in the test held in 1995, it is not as though their chances for appearance is closed. It is no doubt true that had the respondents held the test in 1994 when they were eligible, they could have availed themselves of that chance also but the applicants were not discriminated as no selection for any eligible candidate was held in that year and the applicants were not particularly placed in any disadvantageous position on that account.

6. Taking all the aspects into account, we do not see any merit in the application. The application is dismissed. There shall be no order as to costs.



(K. MUTHUKUMAR)
MEMBER (A)



(DR. JOSE P. VERGHESE)
VICE CHAIRMAN

Rakesh