

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.858/96

New Delhi: this the 29th day of August, 1997.

HON'BLE MR.S.R.ADIGE MEMBER(A)

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

Vishnu Kamal Bhushan
S/o of Shri Nanoo Ram,
R/O of U-40, Seelampur- III,
New DelhiApplicant

(By Advocate: Shri A.K.Shardwaj)

Versus

1. Union of India, through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
 2. The Assistant Personnel Officer,
Northern Railway, Divisional Office,
Delhi Division, Paharganj,
New Delhi.
 3. The Divl. Railway Manager,
Delhi Dn, DM Office,
Northern Railway,
Paharganj, New Delhi.
 4. The Divl Mechanical Engineer,
Shri S.C.Chatterjee,
Delhi Dn., Northern Railway,
DM Office,
New Delhi.
 5. The Asstt. Mechanical Engineer,
Delhi Division, Northern Railway,
DM Office, Paharganj,
New Delhi.
 6. Kailash Chand,
S/o Shri Sunder Lal, H.S.Wala,
Northern Railway, Delhi Dn.,
New Delhi.
- Respondents.

(By Advocate: Mrs. Meera Chhibber for Pvt.
Respondents. None for official respondents)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, MEMBER(A)

Applicant impugns respondents' action
in not considering him for promotion as C & W
Fitter against 50% seniority quota through trade

2

test as arbitrary, and also challenges respondents' action^{in a} declaring him failed in the written test dated 30.12.95 and not calling him for viva voce test held for the said post.

2. At the outset we note that there is a contradiction in reliefs sought for by applicant. Relief 8(a) sought for is for promotion as C & W Fitter against 50% seniority quota, but the written test referred to in Relief 8(b) actually refers to the 25% talented quota.

3. Respondents held selection for promotion to the post of C & W Fitter grade under 25% talented quota. The selection consisted of written test and interview. The written test was held on 30.12.95 in which applicant appeared, but was unsuccessful. Hence he was not called for interview.

4. Shri Bhardwaj asserted that applicant who belongs to SC Community was entitled to be judged by relaxed standards in the written test, and if respondents had done so he would have cleared the same and thus have become entitled to be called for interview. No rule has been cited in support of the contention that applicant was entitled to be judged by relaxed standard in written exam. for promotion to the post of C & W Fitter under 25% talented quota, but reliance was placed on two letters issued by respondents dated 15/18.6.94 and 22.12.94 copies of which are taken on record relating to relaxed standards in written exam. for SC/ ST candidates in respect of promotion to the post of ASM under GDCE Scheme.

5.. We find ourselves unable to extend the

21

contents of the aforesaid two circulars which specifically relate to ASMs, to the posts in question before us, namely C & W Fitters, in the absence of any clear directions permitting us to do so. Admittedly the posts of C & W Fitters are safety category posts and in the light of the contents of Railway Board's Letter dated 12.12.73, copy of which is taken on record, such relaxation is not permissible in respect of Safety Category posts.

6. In this connection, we note that applicant has challenged the appointment of Respondent No.6 as C & W Fitter. This challenge fails as Respondent No.6 who also happens to belong to SC Community was successful on the basis of both written exam and viva voce and hence secured his promotion on merit.

7. In the result, the OA warrants no interference. It is dismissed. No costs.

A. Vedavalli
(DR.A. VEDAVALLI)
MEMBER(J)

S. R. Adige
(S.R. ADIGE)
MEMBER(A)

/ug/