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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2090/89

NEW DELHI THIS THE 25TH DAY OF OCTOBER, 1994.

HON'BLE SHRI C.J. ROY, MEMBER (J)
HON'BLE SHRI S.R. ADIGE, MEMBER(A)

Shri Hem Chand
S/o Shri Chhotu Ram,
R/o 2213-A, Raja Park,
Shakurbasti,
DELHI.

...Applicant

(By Advocate : Shri Mahesh Srivastava)

VERSUS

1. Union of India, through
The General Manager,
Northern Railway,
Baroda House,
NEW DELHI.
2. Sr Divisional Personnel Officer,
Northern Railway,
NEW DELHI.Respondents

(By Advocate : Shri B.K. Aggarwal)

JUDGEMENT (ORAL)

Hon'ble Shri C.J. Roy, Member (J)

This is an application filed by
the applicant, claiming the following reliefs

"A) ~~Command~~/direct the respondents,
their officials and agents to the
post of Apprentice Chargeman Diesel
Mechanical Grade 1400-2300 against
25% quota and further direct to
give the benefit of promotion from
the date when others were promoted;

B) Summon the record of written
test and viva-voce test for judicial
scrutiny.

2. The applicant claims himself to be belonging to Scheduled Castes and qualified in the Higher Secondary Examination with Second Division in 1975, and obtained Diesel Mechanic Diploma in 1976, and joined service with the Respondents on 25.10.77 as Diesel Cleaner. Subsequently he was posted at Shakurbasti, and he also claims he has obtained training and qualified in the trade test. Now the applicant is an aspirant for the post of Diesel Fitter and he claims ^{that} he is within the zone of consideration. And he also applied for the post of Intermediate Apprentice Chargeman and qualified in the written test portion of the Diesel (Mechanical) Examination conducted for the said purpose.

3. Now he claims that he has passed in the written test but failed in the viva voce test. The O.A. is filed by the applicant claiming benefits of relaxation that are available and admissible to the Scheduled Castes candidates when they have succeeded in the written test for the post of Intermediate Apprentice Chargeman Diesel (Mech.) and falls within the zone of consideration for the said post, they should be given benefit of relaxation in accordance with the Railway Board Circular.

4. The respondents have filed counter admitting to the extent that the applicant qualified the written test but could not be brought on the panel of successful candidates as he failed in the viva voce.

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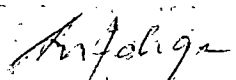
They further contended that the application is not maintainable as they have already followed rules and instructions. The applicant has also filed a rejoinder more or less reiterating the same facts.


5. After hearing both sides we felt that the ends of the justice will be met in issuing the following directions :-

(i) We direct the respondents to consider the case of the applicant, in case they have not already considered, giving the benefits of relaxation to the SC candidates as permissible in accordance with the Railway Board Circular - Railway Establishment and Labour laws, 1994 bearing Circular No.83-E(SCT)23/1 dt.19.9.83.

(ii) This exercise may be completed within 3 months from the date of the receipt of this Order.

In case they do not give any benefit they may issue a speaking-order to the applicant within a period of three months from the date of the receipt of this Order. The O.A. is dismissed. No costs.


(S.R. ADIGE)
MEMBER (A)


(C.J. ROY)
MEMBER (J)

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