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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.

O.A. NO. 806 OF 1988 with
M.P. NO. 1824 of 1988

8th day of November, 1993

SHRI C.J. ROY, MEMBER (J)

SHRI P.T. THIRUVENGADAM, MEMBER (A)

1. Shri Shyam Hari Sharma
Assistant Station Master under
Traffic Inspector,
Delhi Area. ...Applicant

By Advocate Shri J.K. Bali

VERSUS

1. Divisional Railway Manager,
Delhi Division,
Northern Railway,
New Delhi.
2. Principal,
Zonal Training School,
Northern Railway,
District Moradabad. ...Respondents

By Advocate Shri K.K. Patel

O R D E R

Shri P.T. Thiruvengadam, Member

The applicant joined Ferozepur Division of the Northern Railway on 31.08.1982 as Signaller in Grade Rs.260-430 (RS) and later got transferred to the Delhi Division. When the applicant was working as Signaller, a Notification dated 13.08.1985 was issued by the Division inviting applications from all the employees who are working in Grade Rs.260-400/260-430, who are Matriculates and who had completed 3 years of non-fortuitous service in Class-III as on 16.09.1985 for filling up clear vacancies of promotee quota for the posts of Enquiry-cum-Reservation Clerks in Grade Rs.330-560. The applicant, who fulfilled the qualifications, applied for the same. A written competitive examination was held on 27.07.1986 followed by a viva-voce test on 21.04.1987.

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2. The result of the selection was declared on 15.07.1987 wherein the applicant figured at S.No.93 in the panel of 96 successful persons. Before appointment, the empanelled candidates had to undergo T.12/P.12 course of training for the post of Enquiry-cum-Reservation Clerk (in short 'ECRC') at the Northern Railway Zonal Training School at Chandausi. The applicant was accordingly booked for the course scheduled for the period from 11.4.1988 to 16.5.1988. He joined the above course on 14.4.1988 but was suddenly spared by respondent No.2 for reporting back to the Division on 29.04.1988.

3. This O.A. has been filed for quashing the orders of respondent No.2 at Annexure A-1 by which the applicant was relieved from the training school on 29.04.1988 for reporting back to Delhi Division.

4. In terms of the interim order passed by this Tribunal, the respondents permitted the applicant to appear for the final examination for the said course scheduled to be held on 11th-16th of May, 1988 and it is admitted that the applicant appeared in the written examination and was declared successful in the P.12 course and is at S.No.62 vide results published on 06.06.1988.

5. The learned counsel for the respondents states that the applicant was given training for the post of Assistant Station Master including theoretical training from 17.07.1985 to 04.11.1985 and practical line training later and was subsequently promoted and posted as ASM. The grades of Assistant Station Master and ECRC are the same. As the applicant had already been imparted training for the post of ASM which training is far more extensive and exhaustive compared to any other training and as the post of ASM is a safety post where there has been acute shortage of candidates,

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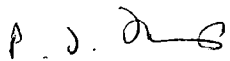
the claim of the applicant for posting as ECRC cannot be considered. It has been submitted that at the time of nominating the empanelled ECRC candidates for the T.12/P.12 course to be held from 11.4.1988 to 16.5.1988 which is by omission it went unnoticed that the applicant had already been imparted training for the post of ASM as well as the facts that the applicant had already been posted as ASM at Thana Bhawan. The respondents allege that they have incurred heavy expenditure in imparting training to the applicant for the post of Assistant Station Master and the applicant had not yet taken charge as ASM at Thana Bhawan. Further it is the case of the respondents that in consonance with the service rules, regular promotion channel for Signallers is Assistant Station Master and not ECRC.

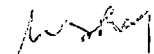
6. The learned counsel for the applicant argued that the applicant was given the ASM's training in the Zonal Training School during 17.07.1985 to 04.11.1985 and line training from 25.03.1986 to 08.05.1986 not as a result of the applicant volunteering for the post of ASM but since the Administration at that point of time felt that the post of Signallers were getting to be surplus. Thus, it was more for the administrative convenience that the applicant was forced to undergo such trainings.

7. As regards the contention that the post of ASM is in the direct channel of promotion for Signallers, the applicant stated that Signallers in Grade Rs.260-430 are to be promoted as Senior Signallers in Grade Rs.330-560. Options are open to the Signallers to compete for the stipulated percentage quota of vacancies of ASM's, if they so desire. They could also compete along with all other departmental candidates in the same grade of Rs.260-430 for the post of ECRC. Thus, the main channel of promotion for a Signaller is only as Sr. Signaller and the other streams like ASM, ECRC etc. are available to them but on option basis.

8. Having heard both the counsel we note that Signallers can brach off from the main stream and take up post in the next higher grade as ASM, ECRC etc. But having opted for a particular stream and accepted a post in the higher grade like, say ASM, it should be deemed that the employee foregoes his option to join other streams or even to progress in his own stream. It is conceded that for filling up the post of ECRC only employees in the lower grade of Rs.260-430 are eligible to opt. Obviously, the final promotions to the grade of Rs.330-560 as ECRC can take place only if the candidates who have opted have not in the ^{mean time} ~~main stream~~ progressed to the higher grade in other streams. In this case it is not disputed that the applicant after being given theoritical and practical training for the post of ASM ⁱⁿ ~~for~~ the years 1985 and 1986 was posted as ASM on a regular basis. The exact date of posting as ASM has not been brought out by any of the parties. But suffice it to say that the applicant himself in the verification of this O.A. at page 8 of the paperbook has admitted that he is working as ASM as on 04.05.1988. Thus his contention for progressing in the stream of ECRC cannot be sustained and the impugned order dated 29.04.1988 by which the applicant was directed ^{to} report back to Delhi Division as ASM cutting short the training for ECRC cannot be held to be illegal.

9. In the circumstances, this O.A. is liable to be dismissed and it is accordingly dismissed. No costs.


(P.T. THIRUVENGADAM)
MEMFBER (A)
08.11.1993


(C.J. ROY)
MEMBER (J)
08.11.1993

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