

26.4.1991.

OA-930/91

Present: Shri Gyan Prakash, counsel for the applicant.

Shri P.H. Ramchandani, counsel for the respondents.

The case of the applicant is that he had been offered appointment on the basis of Civil Services Examination (CSE) 1989 in the Indian Railway Traffic Service (IRTS). Since he intended to appear in the Civil Services Examination, 1990 he obtained permission to abstain from the Probationary training in terms of Rule 4 of CSE Rules vide their letter dated 19.9.90. On 16.1.91 however, the applicant wrote to the respondents that he has withdrawn his candidature from the CSE, 1990 and that he be permitted to join Probationary training along with 1989 batch. Shri Gyan Prakash, the learned counsel for the applicant submitted that the applicant is already a member of the Indian Railway Service of Signal Engineers and that the Railways authorities have no objection to his being permitted to join the training along with 1989 batch. The learned counsel however, could not produce any document to substantiate the Railways' willingness to allow him to join the training. Since this was a short matter we had asked Shri P.H. Ramchandani, Sr. counsel for the Union of India to ascertain the position in regard to the applicant's prayer for allowing him to join the training with 1989 batch of IRTS probationer. The learned Sr. counsel has stated that he has checked up the position and that the present status is that the 1989 batch has not only completed four months' foundation course in the Lal Bhadur Shastri National Academy of Administration (LBSNAA) but the 8 weeks' foundation course in the Railway staff College, Baroda, six weeks' course in the Zonal Training School (ASM & Guard) and five weeks' field training

(3)

are also over by this time. The respondents, therefore, are of the view that it will not be feasible to allow the applicant to join training with 1989 batch at this point of time. The learned counsel for the applicant also submitted that the applicant being a member of the Indian Railway Service of Signal Engineers would be exempted 8 weeks foundation course in the Railway Staff College, Baroda. He, however, did not have any authority to support his contention.

The learned senior counsel also produced before us a letter from the respondents stating that as the training for the 1989 batch is already sufficiently advanced, it will not be in the interest of service to allow the applicant to join at this stage. He will have to wait for joining the training in December, 1991 after completing the foundation course at LBSNAA, Mussoorie. The respondents further submit that there is no provision in the rules to allow such candidates to join in mid session.

Having heard the learned counsel of both the parties and considered their submissions we do not find any justification to interfere in the matter. The application is accordingly rejected.

Copy of the order be issued to the learned counsel of both the parties Dasti.


(I.K. RASGOTRA)
MEMBER(A)

26.4.91.


(AMITAV BANERJI)
CHAIRMAN
26.4.91.

'SKK'