

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

original Application No. 1386 of 1997

this the 26th day of November 2002.

HON'BLE MR. S. DAYAL, MEMBER(A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER(J)

1. Arunambuj Arya, S/o Late Kailash Chand.
2. Manoj Kumar Tiwari, S/o Sri Shiv prasanna Nath Tewari.
3. Manoj Kumar pandey, S/o Sri Shyam Behari pandey.
4. pramod Lal Karan, S/o Sri N.K. Lal.
5. Shailesh pratap Singh, S/o Sri R.P. Singh.
6. Mohd. Ali, S/o Mohd Mustafa.
7. Laxman Prasad, S/o Sri Asharfi
8. Rajesh Kumar Srivastava, S/o Sri Ram Chand Srivastava.
9. Raju Rawat, S/o Sri Gowardhan Rawat.
10. Sanatan Chakarvarti, S/o Sri K.B. Chakarvarti.
11. Umesh Kumar, S/o Sri Pyare Lal.
12. Ajay Kumar Dubey, S/o Sri Akhila Nand Dubey.
13. Gulam Mohd, S/o Sri Mohd. Nazim.
14. Chandra Shekhar, S/o late Gulab Chauhan.
15. Laxman Kumar Das, S/o late Kameshwar Lal Das.
16. Rajesh Kumar Gupta, S/o Sri Sukhlal Gupt
17. Dharmendra Sharma, S/o Sri Dhruv Narayan Sharma.
18. Raj Kumar Singh, S/o Sri Ram Avatar Singh.
19. Birendra Kumar Srivastava, S/o Sri Harikant Srivastava.
20. Deepak Kumar Verma, S/o late Anant prasad Verma.
21. Kamal Kishore Mandal, S/o late Jagdish Mandal.
22. Baidyanath Yadav, S/o late Banarsi Yadav.
23. Sadhan Kumar Dey, S/o Sri Manoranjan Dey.
24. Madan Lal, S/o Sri Ummed Ram.

Applicants.

By Advocate : Sri S.K. Om.

Versus

1. Union of India through Secretary, Railway Board, New Delhi.
2. General Manager, N.E.R., Gorakhpur.



3. Chief personnel officer, N.E.R., Gorakhpur.

Respondents.

By Advocate : Sri J.N. Singh.

ORDER (ORAL)

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

This application has been filed for a direction to the respondents to promote the applicants on the post of Junior and Senior Clerks respectively on provisional basis and permit them to acquire the typing speed within a period of two years as provided in the various circulars of the Railway Board. A prayer has also been made for setting aside the result published on 8.7.27. A direction is also sought to the respondents to hold typing test in pursuance of the notification dated 8.11.1996 and allow the applicants to bring their own Typing machines.

2. The applicants barring those who are at serial number 2, 7, 20 and 21 were working as class IVth employees in North Eastern Railway. On account of change-over from steam traction to diesel and electric traction, number of steam loco sheds, marshalling yards, goods sheds had to be fully or partially closed, a high priority was accorded to utilisation and deployment of surplus staff, which was the result of the change from steam to other traction and their utilisation and re-deployment of surplus staff by re-training, if necessary, should be given the highest priority and their absorption will have precedence over all other modes of recruitment including screening of casual labour and direct recruitment for filling up the vacancies. To accelerate the process of re-deployment of surplus ^{employees} as a one time measure, the method of General Departmental Competitive Examination (GDCE) in short) was adopted to fill-up 25% Direct recruitment vacancies in the categories of Train Clerks, Ticket Collectors, Commercial Clerks, Telephone Operators, Shroffe, Accounts Clerks and Office Clerks and also as Diesel & Electric Assistants. The

AS

applicants appeared in the examination for the posts of Junior Clerks and Senior Clerks, but did not succeed. It is claimed that they were not allowed to bring their own typing machines. It is also claimed that although some of them had appeared for the post of Junior Clerk and Senior Clerk both, but only one typing test was conducted. It is also stated that they were not given two years time to attend the required speed of typing as was done in the cases of those appointed on compassionate grounds or from sports quota etc.

3. We have heard the arguments of Sri S.K. Om, learned counsel for the applicants and Sri J.N. Singh, learned counsel for the respondents.

4. The grounds on which the applicants seek reliefs have to be examined. The first ground that they should be permitted to bring their own Typewriters is based on the practice adopted by the Railway Recruitment Board incase of direct recruitment on the post of Junior and Senior Clerk. This argument is not tenable because the scheme as introduced for GDCE, which is one time measure, had a different mode of assessing the typing speed by requiring the candidates to operate the Typewriters available with the respondents. Merely because the scheme is different, it would not ~~make~~ the method adopted for selection bad in law.

5. The contention of the applicants that the machines supplied to them for speed test of typing were not properly over-hauled. This contention is also not tenable because the machines ^{which were supplied would} have been of the same nature for all the candidates and not only for the applicants. Therefore, the playing field was levelled for all the candidates and no advantage accrued to any of them on the ground of nature of typing machines made available to them.

6. The applicants have contended that they had represented to the respondents regarding their prayer for not permitting them to bring their own typing machines. The request of the applicants for bringing their own typing machines was not allowed

by the respondents. This contention is also not valid for the reasons given in the contention last dealt with by us. Since the test on machines brought by the applicant was not a part of the scheme, the applicants cannot claim that they should be treated differently. The applicants have also claimed that they should have been given two years time for attaining the required speed of typing. This clearly negates the contention made earlier that they should have been given the machines of their own choice. Again, this is not tenable because this was not a part of the scheme of GDCE as circulated on 20.8.93. The respondents have mentioned that the applicants were required to show their proficiency in their typing because they were recruited against direct recruitment quota and the direct recruit had to possess a required speed as per the recruitment rules. This is a valid contention of the respondents. We find no reason to alter this requirement.

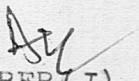
7. The learned counsel for the applicants also stated that the purpose of the scheme of GDCE was not fulfilled because in the examination conducted, a very few candidates could qualify. We do not find any-where in the scheme as formulated by the respondents that the standard of the examination for recruitment was to be ~~just as rigorous~~ ^{& less rigorous} than adopted for direct recruitment. The relevant portion of Annexure A-2 reads as under :

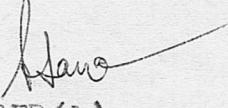
"GDCE will comprise a written test followed by viva voce and the panels will be formed strictly in order of merit. The standard of examination shall be like that of direct recruitment to avoid any dilution of the cadre. If suitable candidates do not become available in adequate number as a result of GDCE, the shortfall will be made good by direct recruitment through Railway Recruitment Board."

8. The learned counsel for the applicants also contended that they should have been tested separately for those appearing for Junior Clerk and those appearing for Senior Clerk posts. This ground is also not tenable because the scheme as framed for selection of Junior and Senior Clerks had mentioned as one of the condition that the candidates, who had passed

written examination for Junior or Senior Clerks were entitled to appear in one typing test examination because the ~~separate~~^{same} test for Junior Clerk would also be valid for the post of Senior Clerk. The first instructions in intimation regarding typing test as contained in para 1 of Annexure -4 makes this clear.

9. We, therefore, find no merit in the claim of the applicants and dismiss the O.A. without any order as to costs.


MEMBER (J)


MEMBER (A)

GIRISH/-