

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 428 of 2004

Allahabad this the 07th day of July 2005

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. S.C. Chaube, Member (A)

Ajay Kumar Verma, aged about 38 years, S/o Sri Surya Bali Prasad Verma, R/o House No.225, Jungle Tulsi, Ram Bichiya, District Gorakhpur.

Applicant

By Advocate Shri S.K. Om

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Chief Personnel Officer, North Eastern Railway, Gorakhpur.
3. Senior Divisional Personnel Officer, N.E. Railway, Lucknow.
4. Assistant Personnel Officer, North Eastern Railway, Lucknow.

Respondents

By Advocate Shri K.P. Singh

O R D E R (Oral)

By Hon'ble Mr. Justice S.R. Singh, V.C.

Heard, Shri S.K. Om ^{for} the applicant and Shri K.P. Singh, Standing Counsel for Railways. We have also perused the pleadings.

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2. The applicant-a Goods Guard has instituted this O.A. for issuance of direction to the respondents to permit him to appear in the selection for the post of Assistant Operating Manager in pursuance to the notification dated 03.03.2004, coupled with direction to the 3rd respondent to forward his application to 2nd respondent for the purpose.

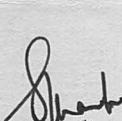
3. The applicant being a Goods Guard comes in the category of running staff. The respondents have denied permission to the applicant to appear in the selection for the post of Assistant Operating Manager on the ground that in view of notification dated 03.03.2004 (annexure-IV), only those candidates would be eligible to appear in the selection for the post of Assistant Operating Manager, who were working in the scale of Rs.1400-2300. The applicant, it is submitted, was working in the scale of Rs.1200-2040/-, therefore, he was not eligible for the post of Assistant Operating Manager pursuant to the notification dated 03.03.2004.

4. Shri S.K. Om, learned counsel for the applicant has submitted that IVth Pay Commission scale of Rs.1200-2040 admissible to running staff of Railways was equivalent to the scale of Rs.1400-2300 admissible to stationary staff, for all purposes including promotion and selection. This issue was provided vide Government of India, Ministry of Railways (Railway Board) letter no.E(NG)II/89/PM2/B-A dated 10.01.1992 and the Vth Pay Commission scale of Rs.4500-7000/- (admissible to running staff) is equivalent to Rs.5500-9000/- (admissible to the stationary staff), as per Railway Board Circular No.RBE 254/99 dated 01.10.1999. In the circumstances, proceeds the argument the applicant eligible for selection in the scale of Rs.1400-2300/Rs.5500-9000.

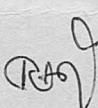
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5. Having heard the counsel for the parties, we are of the considered view that the stipulation contained in the notification dated 03.03.2004 that the eligibility would be considered taking into account the pay scale of Rs.1400-2300, would implicitly mean that the running staff in the equivalent scale would be eligible. In other words eligibility would be decided after taking into consideration the corresponding equivalent scale admissible to the stationary staff. The equivalence has been clearly prescribed by the notification-dated 10.01.1992 for the purpose of promotion/selection. As stated hereinabove, the scale of Rs.1400-2300 admissible to stationary staff has been equated with the scale of Rs.1200-2040/- admissible to the running staff. The applicant, in our opinion, was wrongly denied the opportunity to appear in the selection of Assistant Operating Manager. However, since the selections for the post of Assistant Operating Manager have already been held pursuant to the notification dated 03.03.2004 and also pursuant to the subsequent notification, in our view, it would meet the ends of justice if the respondents are directed to allow the applicant to appear in the selection for the post of Assistant Operating Manager that may be held in future.

6. The O.A. accordingly stands disposed of with the direction that applicant will be permitted by the respondents to appear in the selection for the post of Assistant Operating Manager in the scale of Rs.1400-2300/Rs.5500-9000 as and when it is held in future. No order as to cost.



Member (A)



Vice Chairman

/M.M./