

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH ALLAHABAD**

Dated: This the 15th day of December, 2010

Original Application No. 324 of 2005
(U/S 19, Administrative Tribunal Act, 1985)

**Hon'ble Dr. K.B.S. Rajan, Member (J)
Hon'ble Mr. S.N. Shukla, Member (A)**

Naresh Kumar Agarwal son of Late G.P. Agarwal Resident of Mission Compound, Jhansi.

..... *Applicant*

Present for Applicant : Shri R.K. Nigam, Advocate

V E R S U S

1. Union of India through General Manager, North Central Railway, Head Quarters Office, Allahabad.
2. Divisional Railway Manager, Jhansi, Division North Central Railway, Jhansi.
3. Principal, Civil Engineering Training Academic North Central Railway, Kanpur.

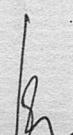
..... *Respondents*

Present for Respondents: Shri A. Tripathi, Advocate

O R D E R

(Delivered by Hon'ble Dr. K.B.S. Rajan, Member-J)

The matter is simple. For promotion from J.E. (Junior Engineer/P. Way) to S.E./P.W. (Section Engineer Present Way) whether free promotional training is signed qua non. According to the applicant, it is not mandatory by virtue of fact that Annexures A-4, 5 and 6 have clearly stated that such training is mandatory where



change of designation is involved but not for different pay scale within the same category. Since the restructuring involves only revision/distribution of various pay scale within the category such training is not mandatory.

2. Per contra, the respondents relied upon the Railway Board's order dated 15.10.2003, whereby it has been indicated as under:-

"The above matter has been considered and it is clarified that instruction contained in Board's letter referred above is that successful completion of the training is mandatory for safety category staff before being promoted to higher post. The instruction does not apply that all eligible candidates in the zone of consideration have to be necessarily unparted training before the selection process."

3. In so far as reliance placed by the applicant is concerned, the applicant, as a result of modified selection under restructuring in terms of Railway Board's letters dated 09.10.2003 and 06.01.2004 in Engineering Department for the post of S.E. /P.W in the grade of Rs.6500-10500/-, the staff were placed on the provisional panel in which the name of the applicant figured in. It is in fact after almost one year that actual promotion order has been issued on 03.05.2005 in which there is a clear mention as under:-

"They have to passed (sic pass) for pre-promotional training which is mandatory for promotion for the post of SE (P. Way) accordingly, they will be sent for training as per training program at CETA. CNB. (S.No.4 and 7 are eligible for transfer facilities) "

4. The order relied upon by the applicant is nothing but provisional panel and no promotion was granted to him on the basis of said order. The actual promotion subject to successful pre-

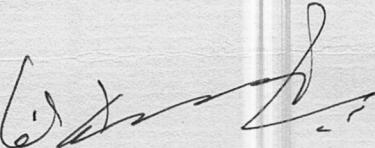
promotional training is dated 03.05.05 and as the applicant could not get through in the pre-promotional training held from 04.10.2004, 19.11.2004 Annexure A-1 came to be passed.

5. Counsel for the applicant argued on the above lines as contained in para 1 above, reiterating that for restructuring posts, pre-promotional training is not essential. Counsel for the respondents, however, submitted that Board's letter dated 15.10.2003 such pre-promotional training course is absolute essential for all the staff category.

6. The letters relied upon by the applicant (Annexure A-V and VI) have all emanated from the General Manager/his subordinate level, while that relied upon by the respondents are from the Railway Board, which is competent to design any policy in such matters. Also, there is logic in the Respondents' insisting on training in respect of safety category. It is not denied by the applicant's counsel that the post in question is a safety category. We, therefore, agree with the submission of the counsel for the respondents. The applicant having not cleared the training as required in accordance with the Board's letter, there is no illegality in the impugned order. Accordingly, the

O.A. is rejected. No costs.


(S.N. Shukla)
Member-A


(Dr. K.B.S. Rajan)
Member-J

Sushil