

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

421

Original Application No. 1064 of 1988

Sudama ::::::: Applicant
Versus
Union of India ::::::: Respondents
and Others

Hon'ble Mr. Maharaj Din, Member 'J'
Hon'ble Mr. K. Muthukumar, Member 'A'

(By Hon'ble Mr. Maharaj Din, Member 'J')

The applicant has approached this Tribunal seeking the relief of direction to the respondents to include his name in the list of promoted candidates for the post of Fireman Grade 'C'.

2. The relevant facts giving rise to this application are that the applicant was appointed as Yard Khalasi Cleaner in the Central Railway, Banda by a-n order dated 08.7.1976. The Divisional Railway Manager, Central Railway, Jhansi invited application to promote Yard Khalasi Cleaners and others on the post of Fireman Grade 'C'. The applicant applied for the said post and also appeared in the test held by Divisional Railway Manager, Central Railway, Jhansi. The name of the applicant since did not find place in the list of selected candidates, therefore, he has come up before this Tribunal for redress.

3. The respondents filed Counter-reply and resisted the claim of the applicant on the ground that

Ans

the prescribed qualification for the promotional post of Fireman Grade 'C' was VIII Class pass, since the applicant was not VIII class passed, therefore, he has not been selected for the post of Fireman Grade 'C'.

4. We have heard the learned counsel for the parties and perused the record.

5. The applicant appeared in the selection test for the post of Fireman Grade 'C' in pursuance of notification of the department. The applicant was not VIII class passed but, was allowed to appear for the promotional post as he held the post of Yard Khalasi Cleaner which was the requisite qualification for selection of Fireman Grade 'C'. By a subsequent notification the requisite qualification class VIII pass was also prescribed vide letter dated 30.12.1987. On the basis of the aforesaid subsequent notification, a list of selected candidates was published but the name of the applicant was omitted as he was not VIII class passed. As regards prescribing minimum requisite educational qualification of having VIII class pass for the post of Fireman Grade 'C' the Board's letter dated 16.08.1985 was revised and it was decided that the revised minimum educational qualification laid down in Board's letter dated 16.08.1985 was kept in abeyance vide letter dated 04.9.1986 (Annexure-III) as such there was no minimum educational qualification for the promotional post of Fireman Grade 'C'. The respondents considering the revised position of Board's

MJ

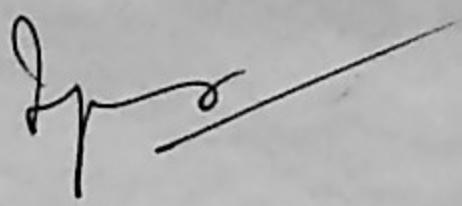
// 3 //

AO/3

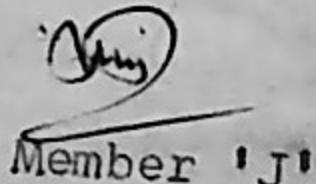
letter promoted the applicant on the post of Fireman Grade 'C' w.e.f. 16.1.1989 whereas his juniors were promoted w.e.f. 30.12.1987. Considering these facts and the circumstances of the case, the applicant who was successful in the selection test held for the post of Fireman Grade 'C' is entitled to be promoted on the said post.

6.

In view of the discussion made above, we allow the application of the applicant and applicant shall be treated to have been promoted on the post of Fireman Grade 'C' from the date his juniors were promoted with consequential benefits. There will be no order as to costs.



Member 'A'



Member 'J'

Allahabad, Dated 30th June, 1994

/M.M./