

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 6th day of December, 1999

Original Application No. 1545 of 1992

District : Jhansi

CORAM :-

Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Mr. M.P. Singh, A.M.

Shri Benjamin Jacob
S/o Jacob Masih,
R/o Yellow Church Compound, Sipri Bazar,
Jhansi, working as Station Superintendent,
Gwalior under Divisional Railway Manager,
Jhansi,

(Sri H.P. Pandey, Advocate)

.... Applicant

Versus

1. The Union of India
Through the General Manager
Central Railway, Headquarter's Office,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway, D.R.M.O. Office,
Jhansi.
3. The Railway Board through Chairman
Railway Board, Raily Bhawan, New Delhi.

(Sri A.V. Srivastava, Advocate)

.... Respondents

ORDER

By Hon'ble Mr. M.P. Singh, A.M.

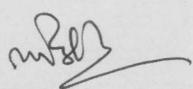
That the applicant belongs to Group 'C' Category of Traffic Transportation Department in Central Railway and has been working in the grade of Rs.2375-3500/- since 1987. In 1988 the applicant was selected for secondment to Iraq under RAIL INDIA TECHNICAL AND ENGINEERING SERVICES(RITES for short), a Ministry of Railways Undertaking. The applicant returned from Iraq on 7-6-1990 on release from RITES. In the meantime the respondents conducted selection for formation of panel for promotion to Group 'B' service. The applicant contends that the

and

respondents failed to circulate the notifications calling for applications from the applicant whereas S/Shri J.K. Shaikh and U.S. Sisodia who were also abroad in Iraq were informed about the notifications. According to the provisions under the Railway Board Circular No.E(NG)-1-76.P.M.I/68 of 3-9-76, Supplementary Examination could be held for leftover candidates and further, provisions of letter No.837-E/63-2-XI of 1-1-84 permit holding of Supplementary Examination for such staff who could not be spared for examination due to administrative reasons. By virtue of applicant's exclusion from the selection his juniors have stolen march over him. The applicant has sought the relief by way of directing the respondents to allow him for a supplementary test and consider his claim for ad hoc promotion to Group 'B' post in view of non-holding of selection over a prolonged period. He has also sought relief to interpolate his name in the panel formed under the impugned notification dated 5-6-1989 and 1-12-1989.

2. As per rules, 75% of vacancies in Group 'B' grade are filled up by formation of panel of employees of Group 'C' Category of Traffic Transportation Department by holding departmental tests and 25% of vacancies are filled up by formation of panel of employees of Group 'C' Category of Transportation Department by holding a limited Departmental Competitive Examination.

3. The respondents have stated in their counter affidavit that since the applicant did not come within the zone of consideration, he was placed in the waiting list. Sri JK Sheikh came within the zone of consideration for LGS Examination, he was informed for the same. As regards LDC Examination is concerned,



applications are invited from all the Union Employees who want to appear in the said examination. Since the applicant did not apply against the notification, he was not considered for LDC Examination. As a matter of fact as Shri U.S. Sisodia had applied for LDC Examination, he was called for the same. As per Rule 223 of IREM, supplementary selection may be held in the following types of cases :-

- (a) summons for interview being received too late by the candidates making it difficult for him to reach the place of interview;
- (b) Administration's failure to relieve him in time for interview;
- (c) Sickness of the candidate or other reason over which the employee has no control.

Unavoidable absence will not, however, include absence to attend a wedding or similar function or absence over which he has control. Sickness should be covered by a specific service from the Railway Medical Officer.

4. From the facts stated above, it is clear that neither the applicant has come within the zone of consideration for LGS Examination against 75% vacancies nor he had applied for LDC Examination for filling up 25% vacancies. Apart from it, his case is also not covered under Rule 223 of IREM and hence no supplementary selection could be held to consider him for promotion to Group 'B' services.

5. We are, therefore, of the opinion that the applicant has no case. The DA is, therefore, dismissed with no order as to costs.

W.B.
Member (A)

Rajendra
Member (J)