

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 369 of 1992

Allahabad this the 08th day of August, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

Dharam Veer Prasad Singh, aged about 56 years,
Son of Late Sri Shrivar Veer Prasad Singh, R/o
Shiv Veer Bhawan, 39 Beni Prasad Road, Lucknow.

Applicant

By Advocate Shri B.P. Srivastava

Versus

1. The Union of India through the Secretary (Esstt.), Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, N.E. Railway, Head Quarter Office, Gorakhpur.
3. The General Manager(P) Medical, N.E. Railway, Head Quarter, Gorakhpur.
4. The Chief Medical Officer, N.E. Railway, Gorakhpur.

Respondents

Advocate Shri A.K. Shukla

O R D E R (Oral)

By Hon'ble Mr. M.P. Singh, Member (A)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985, praying for aidirection to the respondents to promote him on the post of District Extension Educator on regular basis.

2. The facts of the case as stated by the applicant are that he was originally appointed on the post of Field Worker(Male) in Family Welfare Organisation of N.E.Railway on 28.3.1968. He was promoted to the post of Senior Clerk in the year 1984 and further promoted as Compilation Clerk vide order dated 15.1.1988. The next higher post to the Compilation Clerk is Statistical Assistant/Distt. Extension Educator. According to him, the criterion for filling up this post is by promotion on seniority basis. The applicant had represented for his promotion to the post of District Extension Educator when the post fell vacant. He was given adhoc appointment to the post vide order dated 22.12.1990. Thereafter, the respondents decided to hold a test for promoting the applicant and others on the post of District Extension Educators. The test was held in the month of January, 1991, in which the applicant was allowed to appear. The applicant was found suitable, but the test was cancelled. He came to know that the respondents have again conducted a test on 27.9.91, in which only 2 persons were informed and they had appeared in the test. In this test, he was not allowed to appear, as no information was given to him by the authorities. Aggrieved by this, he has filed this O.A. seeking a direction to the respondents to promote him on the post of District Extension Educator on regular basis. He has also sought direction to the ..pg.3/-

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respondents to allow him to appear in the examination which is prescribed for the post of District Extension Educator and also to restrain them from reverting him ~~from~~ the post of District Extension Educator.

3. The respondents have contested the case and have stated that one post of D.E.E. fell vacant on 30.9.1982 and could not be filled up due to dispute in the seniority of Compilation Clerk. The seniority dispute was finalised from 01.4.1986. The post of Extension Educator in a scale of Rs.550-750 (revised Rs.1600-2660) was classified as selection post and that of Statistical Assistant/District Extension Educator in the scale of Rs.700-900 (revised Rs.2000-3200) was classified as non-selection post. As the applicant was working ^{as} ~~as~~ working as Compilation Clerk, he was required to qualify the test for the post of Extension Educator before getting promotion. One Smt. Pushpa Asthana was not entitled to be promoted as Distt. Extension Educator without facing selection, so she and the applicant both were promoted on ad hoc basis as Extension Educator in the scale of -1600-2660. This ad-hoc promotion was purely temporary and the regular promotion was dependent upon qualifying in the selection. For filling up two posts of Extension Educator, a notification was issued on 30.1.1991. The written examination was held on 19.2.1991 and the absentee written examination was held on 25.2.91. The applicant ~~has~~ appeared in the test. He qualified

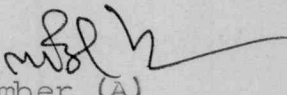
the written test for being called for viva voce test. However, due to certain administrative reasons, this selection was cancelled. Thereafter, another written test was held on 27.9.91 and absentee written examination on 30.9.91. The applicant did not appear in both the written examinations, held on 27.9.91 and 30.9.91. The persons who appeared and qualified in the written test, would be considered for viva voce test, and the successful would be placed on the panel. Since the applicant did not appear in the written examination, he has no claim over the selected candidates and cannot be promoted, ignoring the claim of duly selected persons. The respondents have prayed for dismissal of this O.A. being devoid of merit.

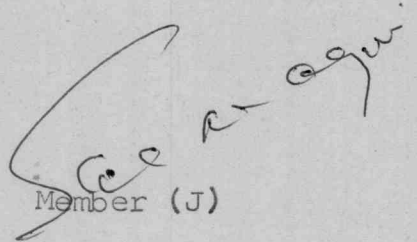
4. Heard, the learned counsel for the parties and perused the record.

5. It is not in dispute that the applicant did not appear in the written examination held on 27.9.91 and 30.9.91. This fact has been admitted by him in para-11 of the R.A. The contention of the applicant that the post should have been filled up on the basis of seniority, cannot be accepted as he himself has participated in the written examination held earlier. Since the applicant has not appeared in the test, he cannot have his claim for appointment to the post of District Extension

Educator. The O.A. is, therefore, liable to be dismissed on this ground.

6. In view of the above facts, the O.A. is devoid of merits, and is dismissed accordingly. No order as to costs.


Member (A)


Member (J)

/M.M./