

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF SEPTEMBER, 2001

Original Application No. 108 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Surya Dev Prasad, aged about  
43 years, son of Sri Girija Ram  
working as Senior Pointsman  
Khadda Railway Station, N.E.  
Railway, deoria

... Applicant

(By Adv: Shri S.K.Om)

Versus

1. Union of India, through the  
General manager, N.E.  
Railway, Gorakhpur.
2. The Divisional Railway Manager(P)  
N.E.Railway, Varanasi.
3. The Station Superintendent  
N.E.Railway, Khadda Deoria

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant has  
prayed for quashing of order dated 17.7.1991 declaring the  
applicant unsuitable for the post of Asstt. station Master  
in the pay scale of 1200-2040. The applicant has also  
prayed that the respondents may ~~also~~ be directed to permit  
the applicant to complete his training in terms of letter  
dated 15.2.1993 and allow him to work as Asstt.Station



Master.

the facts of the case are that applicant was serving as Relieving Unskilled (RUS) in class IV category in pay scale of 196-232 at Chhabhi Railway station. In 1991 respondents decided to hold a test for the post of Asstt. Station Master in pay scale of Rs.1200-2040. The promotion on the post of A.S.M was to be made on the basis of seniority cum suitability and on compassionate basis. The applicant appeared in the test. He was declared successful in written examination held, vide letter dated 11.4.1991. He appeared in viva-voce test held on 16.4.1991 in which also he was declared successful vide letter dated 23.5.1991. Vide letter dated 28.6.1991 applicant was required to appear for psychological test on 5.7.1991 for the post of A.S.M. The applicant appeared in psychological test on 5.7.1991 and thereafter he was sent for training to the zonal training school, N.E.Railway Muzaffar Nagar. Applicant joined the training after completing the formalities. However, by letter dated 17.7.1991 he was relieved from the training school on the ground that he failed in psychological test held on 5.7.1991.

the learned counsel for the applicant has submitted that the psychological test is not required under rules and the applicant could not be deprived of the chance of promotion on the ground that he failed in psychological test. Learned counsel for the applicant has placed before us a judgement of Patna Bench on the controversy<sup>in hand</sup>. The unreported judgement dated 1.11.1999 passed in OA 291/94 Ratan Kumar Singh Vs. Union of India and another has been placed before us. the operative part of the judgement reads as under:-

"In the light of above observation and analysis of the case, we dispose of this






:: 3 ::

OA by directing the respondents to give one more opportunity to the applicant for appearing in the psychological test for the post in question. If he succeeds, in the said test, his case for promotion to ASM grade should be considered, accordingly, by the respondents. This exercise should be completed within a period of four months from the date of receipt of a copy of this order. No order as to the costs."

Learned counsel for the applicant has submitted that he is entitled for the same relief. The judgement of Patna Bench seems to be in respect of the same selection in which the applicant appeared. In the circumstances, he is entitled for relief.

The OA is accordingly disposed of finally with the direction to the respondents to give one more opportunity to the applicant for appearing in the psychological test for the post in question. If he succeeds in the test, he shall immediately sent for completion of his training of ASM and shall be given chance to serve as ASM. This exercise shall be completed within four months from the date of receipt of a copy of this order. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 03.9.2001

Uv/