

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
A L L A H A B A D

C.A.T.N. No. 931 of 94

DATE OF DECISION 29.11.95

Sri Prabaker

PETITIONER(S)

Sri B. P. Soni

ADVOCATE FOR
THE PETITIONER(S)

VERSUS

U.O.F. & another

RESPONDENTS

Sri P. Mathur

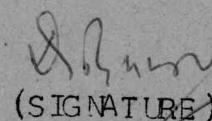
ADVOCATE FOR THE
RESPONDENT(S)

C O R A M :-

The Hon'ble Mr. Dr. R. K. Saxena Member (F)

The Hon'ble Mr. D. S. Bawali Member (V)

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to all other Bench ?


(SIGNATURE)

VKF/-

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 29th day of November 1995.

Original Application No. 931 of 1994.

Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. D.S. Baweja, Member (A)

Prahlad, S/o Sri Dukh Haran, R/o Ahimanpur,
Railway Crossing Gate, Khamaria, Varanasi,
Present Post Pointsman, Madhoganj, Railway
Station, NE, Railway.

..... Applicant

C/A Sri B.P. Srivastava.

Versus

1. Union of India, through the General Manager, NE Railway Gorakhpur.
2. The Divisional Railway Manager, NE Railway, Varanasi.

..... Respondents

C/R Sri P. Mathur.

O R D E R

Hon'ble Mr. D.S. Baweja, Member (A).

This application has been made with the prayer to direct the respondents to send him for training for Assistant Station Master's Post against the selection carried out in 1991.

2. The facts of the case are briefly as follows:-

Through the notification dated 19.11.90, applicants were called for the selection for the post of Assistant Station Master. The applicant was working as a Senior-points-Man in the scale 950-1500. He was eligible for the said selection and applied for the same. The written test was held on 9.2.91, and Viva-Voce on 16.5.91. The panel

of 13 candidates was declared on 25.5.91 including the applicant at S. NO. 2 (Annexure A-3). Thereafter all the candidates including the applicant were sent for psychological test on 5.7.91. In this test, only 7 candidates were declared qualified out of the 13. The applicant did not pass in this test. Therefore, his name did not feature in the final panel and was not sent for training.

Subsequently the next selection was notified and the written test for the same was held on 16.5.92. In this written test, the applicant did not pass. In the meantime, he had been representing against his failure in the psychological test for the selection held in 1991. He was sent for psychological test again vide letter dated 8.5.93 (Annexure 5), and he was declared passed in the same by Research Design and Standards Organisation, Lucknow, The result of which was conveyed vide letter dated 3.6.93 (Annexure A-6), by Head Quarter office to Divisional Office Varanasi.

The applicant contends that as per the Research Design Standards Organisation, Lucknow, at Annexure A-7 psychological test was not compulsory in his case. However, he has since passed the psychological test also in the 2nd chance allowed by the Administration on his representation. Therefore, he has made prayer that he should be treated as having qualified in the selection held in 1991, and placed on the final panel and be sent for the training.

3. The respondents in the counter reply have averred that since he failed in the psychological test in the selection held in the 1991, he could not be sent for

training. Passing in psychological test is a pre-requisite condition for the staff to be posted as Assistant Station Master.

The selection notified in March 92 and written test held in May 92, was the next selection. Since the applicant did not qualify in the written test, the question of sending for psychological test did not rise. It has also been further contended that the representation dated 3.8.92, of the applicant is not available on the record. In fact this representation concerns about his failure in the written test of the selection notified in March 92, and not against the psychological test of the earlier selection held in 1991. In view of this the claim of the applicant is not tenable and the application has no merit.

4. We have heard the learned counsel for the applicant and the respondents and carefully perused the averments made in the application, counter and rejoinder affidavits.

5. The applicant was placed on the panel after written test and viva voce. Out of the 13 candidates, who were sent for the psychological test, only seven candidates passed and six failed, which included the applicant.

Records as annexed by the applicant show that he was sent for the psychological test in May 93 and he was declared successful in the same. The respondents have not refuted these facts in the counter. It is also noted that the next selection was carried out in 1992, through notification in March 1992. The applicant appeared in the written test and failed in the

same as is clear from his appeal dated 3.8.92 (Annexure A-4). Therefore, the question of sending for the psychological test with reference to selection held in 1992, did not arise. In view of these facts, we cannot help to conclude that the applicant was sent for retesting for the psychological test in considering his representation against the failure for the selection held in 1991.

The averment made by the applicant that the psychological test was not necessary basing on the letter at Annexure A-7, we have examined this letter and find that this stipulation of not compulsorily passing the psychological test applies in case of promotion from Group D staff. The applicant was working in Group 950-1290 i.e. Group C, and therefore there was no exemption from the psychological test. We agree with the contention of the respondent that the passing of the psychological test is compulsory. The Administration has sent the applicant again for the psychological test and the applicant has passed in the same, under these circumstances, it will be unfair and unjust to deny the benefit to the applicant by treating him finally qualified in the selection held in 1991.

6. Considering the above facts, we allow the application with the directions that the applicant shall be treated as having passed the psychological test and placed on the panel of the selection held in 1991, and sent for the training accordingly. Since he has not shouldered higher responsibilities, we will not give any directions for the payment of the back wages in higher grade from the date of promotion of his junior from the panel. However, he will be given the benefit of proforma fixation as per the extant rules.

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The compliance shall be done within a period of 4 months from the date of the order for sending on training.

The application is disposed of accordingly with no order as to costs.

Dr. B. M. J.
MEMBER (A)

D. D. S.
MEMBER (J)