

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 23 of 1999

Allahabad this the 06th day of January, 2004

Hon'ble Mr. V.K. Majotra, Vice Chairman
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Kanchan Singh, Son of Sri Laturi Prasad, Permanent
Way Mistri, Agra Cantt., Madhya Rail, Jhansi Division.

Applicant

By Advocate Shri R.K. Mishra

Versus

1. The Union of India through the General Manager,
Central Railway, Mumbai.
2. The Chief Personal Officer, Central Railway,
Mumbai.
3. The Senior Divisional Personal Officer, Jhansi.
4. The Assistant Personal Officer(E), Central Rail-
way, Jhansi.
5. Sri Kishan Lal, Son of Dali Chand, Permanent
Way Mistri, Head Rail Way Inspector(Yard),
Jhansi.

Respondents

By Advocate Shri Amit Sthalekar
Shri R.G. Soni, P.P. Soni (for pvt.respondents)

O R D E R (Oral)

By Hon'ble Mr.V.K. Majotra, Vice Chairman

None has appeared on behalf of the applicant
today. None appeared on his behalf even on the previous
date of hearing i.e. on 05.01.2004. We have proceeded
to dispose of this matter in terms of Rule 15 of C.A.T.
Procedure Rules, 1987 by considering respective pleadings
of the parties and hearing the learned counsel of the
respondents.

2. It appears that the applicant is not interested in pursuing this matter and, as such, this case could be dismissed in default and for non-prosecution but, it is liable to be dismissed even on merits.

3. The applicant is aggrieved by his non-selection in the post of P.W.I. Grade III and selection of Shri Kishan Lal-respondent no.5. According to the applicant, a scheduled caste candidate, Shri Kishan Lal-respondent no.5 was selected against reserved vacancy of P.W.I. by passing the applicant. The applicant was not allowed to appear in the written examination on 26.12.1998 despite his representations dated 11.12.98 and 24.12.1998. The applicant has contended that respondent no.5 is not a scheduled caste.

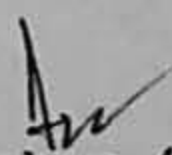
4. On the other hand, the respondents have maintained that while there is 15% reservation for S.C. candidates for promotion, the applicant did not fall within the zone of consideration as a S.C. candidate. The respondent no.5 had submitted his scheduled caste certificate on 03.10.1997. Annexure C.A.-1 is his scheduled caste certificate dated 21.08.97 issued by the Tehsildar. The respondents have given benefit of this to respondent no.5 as per Railway Board letter dated 01.11.1988(annexure C.A.-3). The import of this circular is that benefits belonging to S.C./S.T. have to be extended from the date of submission of caste certificate by the concerned employee. On receipt of representation of applicant dated 11.12.1998, the

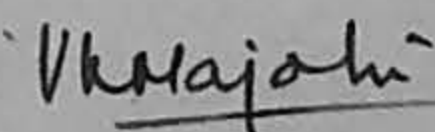
respondent held a further inquiry from the Office of Tehsildar, Mauranipur. Tehsildar confirmed that Sh. Kishan Lal, respondent no.5, had been granted Scheduled Caste certificate on 21.08.1997, as a resident of Mau dehat.

5. We have considered the submissions made on behalf of the applicant and also the contentions raised on behalf of the respondents.

6. Tehsildar, Mauranipur has verified respondent no.5 as a scheduled caste. On inquiry by the respondents Tehsildar has confirmed respondent no. 5's scheduled caste status and, as such, the respondents have granted benefit of being scheduled caste to respondent no.5., who was selected for the post of P.W.I. Grade III. Even though applicant also belongs to scheduled caste, he could not accorded benefit of the same as he did not fall within the zone of consideration as a S.C. candidate. He could have been considered only if the claims of respondent no.5 were not entertained. Applicant's representations against the respondent no.5 having been rejected, he could not fall within the consideration zone for promotion as a S.C. candidate. Thus, he is not entitled for consideration as a S.C. candidate for promotion to the post of P.W.I. Grade III vis-a-vis the claim of respondent no.5.

7. Having regard to the reasons stated above, this application is found to be devoid of merit and, as such, is dismissed. No costs.


Member (J)


Vice Chairman