

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 30th day of March, 2001.

Original Application No. 286 of 1999.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

Awinish Kumar Singh
S/o Sri Ram Bachan Singh,
Resident of Village Baqi Pinjara,
District Maunath Bhanjan.

(Sri S. Mandhyan, Advocate)

. Applicant

Versus

1. Union of India through
General Manager, North Eastern Railway,
Gorakhpur.
2. Divisional Manager, North Eastern Railway,
Varanasi.
3. Divisional Manager (Personnel)
North Eastern Railway, Varanasi.

(Sri K.P. Singh, Advocate)

. Respondents

ORDER (Oral)

By Hon'ble Mr. SKI Naqvi, J.M.

As per applicant, he moved an application on 1-3-1990 for being appointed as Accountant/Store Clerk in North Eastern Railway as a special case giving the benefit of being dependent of Freedom Fighter. Consequent thereto, he was given appointment in Group 'D' but not to his satisfaction ^{and} though he joined under the compelling circumstances keeping alive his claim for appointment in Group 'C' cadre for which he approached the then Railway

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Minister who recommended his case for appointment in Class 'C' cadre. Since it was a selection post and ^{for} Class 'C' cadre one had to clear the selection examination, the applicant could not be posted as such. He appeared in 1996 selection test but the same was cancelled on vigilance recommendation. Then again he appeared in 1998 test for which he qualified in the written test but could not get the grade in the viva voce test and, therefore, could not be declared as successful candidate for appointment in Class 'C' cadre. Taking the recommendation of the Railway Minister as mandate to officers in the Railway establishment, he feels aggrieved for not being provided with the benefit thereof and, therefore, has come up before the Tribunal seeking relief to the effect that respondent no.2 and 3 be directed to promote him on ^{Group 'C'} ~~Group~~ (III) post along with admissible pay.

2. The respondents have contested the case, filed counter reply with specific mention that for appointment in Group 'C' cadre one has to clear the requisite selection test but the applicant could not qualify the same in his attempt in 1998 and, therefore, as per rules in this regard he could not be provided ^{with} appointment, as recommended by the then Railway Minister.

3. Heard learned counsel for the parties and perused the record.


4. The legal position is quite clear that only those could be appointed in Class III cadre of the establishment ^{who qualify} who successfully ^{qualify} the selection test for the same. It is not even the case of the applicant that he could qualify

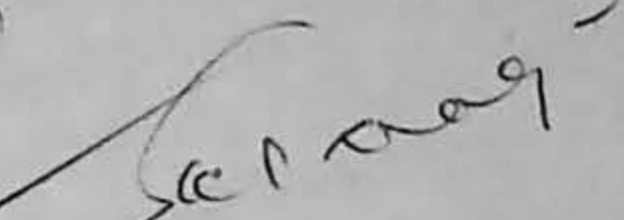
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at the selection test and, therefore, no protection is possible to get him appointed against rules in this regard.

5. For the above, the relief sought for cannot be granted. The OA is dismissed accordingly with no order as to costs.


Member (A)


Member (J)

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