

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 26th day of May, 2003.

Original Application No. 178 of 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr. S.K. Agarwal, Member- A.

C.B. Rai S/o Sri S.K. Rai

R/o Kailashpuri, Mughalsarai, Distt. Chandauli.

.....Applicant

Counsel for the applicant :- Sri S.K. Dey
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,
E. Rly., Calcutta-1.

2. The Senior D.P.O, E. Rly., Mughalsarai,
Distt. Chandauli.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

By this O.A filed under section 19 of Administrative Tribunals Act, 1985, applicant has challenged the order dated 07.11.2001 by which application of the applicant for appearing in selection for appointment as Ticket Collector (T.C) in departmental quota of 33.1/3% has been rejected on the ground that the applicant has not completed three years service in T&C department. Learned counsel for the applicant has submitted that the order is illegal as the applicant has already completed three years regular service on cut off date i.e 31.12.2000. It is also submitted that earlier this limitation was not provided and candidates with lesser period of service were appointed as T.C. The applicant has pointed out an example cited in his memo of appeal, a copy

of which has been filed as annexure A- 3. Learned counsel for the applicant submitted that the applicant is being illegally deprived of the opportunity to get promotion from Group 'D' to Group 'C' in departmental quota. Learned counsel has also submitted that earlier there was no restriction and even the service rendered as substitute could be reckoned for determining the eligibility. It has been stated that the period should have counted from the date applicant acquired temporary status.

2. Sri K.P. Singh, learned counsel for the respondents on the other hand submitted that the notification dated 27.02.2001 (Annexure A-1 to the O.A) was issued under which the departmental selection took place. Para 2 of this notification clearly provides that applicant should have completed three years regular service in his cadre but the applicant has not completed three years either from 07.07.2000 when he was transferred to T&C department or from 09-10-1998 when he was regularly appointed as Khalasi. Thus the candidature of the applicant was rightly rejected for appearing in the examination for selection to Group 'C' to Group 'D' under 33.1/3% departmental quota.


3. We have carefully considered the submission made by counsel for parties and perused the pleadings as well.

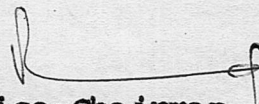
4. The order dated 07.11.2001 has been passed on basis of notification dated 27.02.2001 under which selection took place. The said notification has not been challenged before us. Thus the terms and conditions provided in the notification were applicable to the applicant like other candidates. It is a fact that applicant had not completed three years regular service on 31.12.2000 either from 09.10.1998 when he was regularised as Khalasi or from 07.07.2000 when he was transferred to T&C department. In



both ways the applicant cannot ^{be} said to be eligible for appearing in examination. ^{By} earlier notification ^{and the} ~~earlier~~ ^{were made, but they} appointments cannot be cited as example. Rule 189 of I.R.E.M (Vol.I) which provides the departmental promotion to the extent of 33.1/3% to the grade of Commercial Clerks, T.Cs, etc, in para 4(ii) clearly provides that Group 'D' Railway Servants to be eligible for promotion to Group 'C' post should have put in a minimum three years continuous service. However, this condition does not apply to Scheduled Casts and Scheduled Tribes candidates. Thus the order passed against the applicant was justified and does not suffer from any error of law. The O.A has no merit and is accordingly dismissed.

5. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/