

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 659 OF 2002

ALLAHABAD, THIS THE 13<sup>th</sup> DAY OF MAY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)  
HON'BLE MR. S. C. CHAUBE, MEMBER(A)

1. A.K. Misra s/o Shri R.P. Mishra Asstt. Diesel Driver, Northern Railway, Allahabad.
2. K.K. Saxena s/o Shri D.P. Saxena, Asstt. Diesel Driver, Northern Railway, Allahabad.
3. K.K. Shukla s/o Shri A. Shukla, Asstt. Diesel Driver, Northern Railway, Allahabad.

.....Applicants

(By Advocate : Shri S. Ahmad ) Absent

V E R S U S

1. The Union of India through the General Manager, Northern Railway Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Senior Divisional Mechanical Engineer, Northern Railway, Allahabad.
4. The Senior Divisional Personnel Officer, Northern Railway, Allahabad.

.....Respondents.

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

None for the applicant even in the revised call. Shri Dharmendra Tiwari brief holder of Shri A.K. Pandey, counsel for the respondents. We are deciding this case on merits after hearing the respondents counsel and perusing the pleadings by attracting Rule 15(1) of C.A.T. Procedure Rule 1987.



2. By these O.As 3 applicants have sought a direction to the respondents to place the names of the applicants on panel of successful candidates dated 02.06.2000 by treating them as having logged more than 60,000 Kms. footplating on engine.

3. The brief facts as alleged by the applicants are that all the applicants were posted as Assistant Diesel Driver at Allahabad. They have put in more than 6 years of service as Assistant Diesel Driver. A notification for promotion to the post of Diesel Goods Driver in the Gr. of Rs.5000-8000/- was issued in 2000 for initially 65 vacancies which <sup>was 18</sup> ~~are~~ subsequently enhanced to 86 posts. According to the notification, the following criteria was mentioned therein:-

- "(i) Six years service (combined as Second Fireman & first Fireman/Diesel Asstt./Elect. Asstt.)
- (ii) Two years service as First Fireman/Diesel Asstt./Elect.Asstt and
- (iii) 60,000 Kms. experience of footplate as First Fireman/Diesel Asstt./Elect.Asstt. "

This eligibility was in conformity with Railway Board Circular circulated vide Northern Rly. Printed Serial (NRPS) No.11279 (Annexure-1). Since they fulfilled all the eligibility norms, they appeared in the written test wherein they were declared successful. They were also successful in the Safety Screening Test and the Psychological Test and were finally called for viva-voce test by the respondents. Ultimately result was declared on 02.06.2000 wherein only 50 candidates were shown to have been found suitable but names of applicants did not figure therein(Annexure-2). On enquiry they were informed that since they did not fulfil the eligibility criteria of having logged 60,000 Kms. foot-plating on engine, their names did not find place in the panel. Being aggrieved, they gave



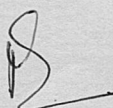


representation on 14.08.2001 by registered post(Annexure-4) but till date no reply has been given to them. They have categorically submitted that all the applicants had completed more than 60,000 Kms. foot-plating engine, therefore, they could not have been denied the empanelment.

4. It is submitted by the applicants that logging of 60,000 kms. foot-plating was a pre-requisite only for those <sup>B</sup> candidates who had two years service as Assistant Diesel Drivers and was not applicable to those candidates who had 6 years or more than service as Assistant Diesel Driver. In any case, since all the applicants had looged more than 60,000 km.s foot-plating on engine, they have a right to be placed in the panel. They have thus, submitted that finding no other option they had to file the present O.A.

5. Respondents on the other hand have opposed this O.A. They have submitted that all the applicants did not qualify in the viva-voce test, therefore, their names could not appear in the select list. They have further submitted that applicants did not have the experience of Foot-plating for 60,000 kms. but they have not been empanelled, Simply because they failed in the viva-voce test. As far as applicants representation dated 20.06.2000 is concerned, they have submitted that respondents never received the same, therefore, the O.A. which has been filed only on 12.11.2002 is highly time barred. As result of the selection had already been declared on 02.06.2000 <sup>while B</sup> ~~and~~ applicants have filed O.A. after a gap of over 1 and  $\frac{1}{2}$  years, therefore, it is liable to be dismissed on this ground alonge.

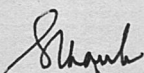
6. It is seen that counter affidavit was filed on 18.09.2002 but applicants have not even bothered to file






rejoinder till date nor any one is present on behalf of the applicants to press this application. From their conduct it looks they are no longer interested in prosecuting this case but since we have already heard the respondents counsel and have perused the pleadings. We find that there is no illegality in the orders passed by the respondents. After all nobody can claim promotion as a matter of right, They only have a right of consideration. Admittedly, applicants did appear in the written as well as viva-voce test but respondents have explained that they could not be empanelled because they failed in the viva-voce test. Applicants have not alleged malafides against the members of the selection committee. Therefore, we have no reason to doubt the correctness of the result prepared by the selection committee. Since applicants have failed in the viva-voce, the relief as prayed by the applicants cannot be given. The O.A. is accordingly dismissed with no order as to costs.

7. Later on counsel for the applicant appeared and made his submission but the judgment we have given above already stands.

  
Member (A)

  
Member (J)

shukla/-