

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

TUESDAY, THIS THE 1ST DAY OF OCTOBER 2002

ORIGINAL APPLICATION NO. 1122 OF 2002

HON. MR. S. DAYAL, MEMBER-A

HON. MRS. MEERA CHHIBBER, MEMBER-J

Roop Chand Sharma
s/o Kalu Ram Sharma
r/o Q.No. WW11 B
R.P.F. Line Bareilly,
Junction Bareilly.Applicant.

(By Advocate:- Shri U.S.Mishra)

Versus

1. Union of India through General Manager,
Northern Railway, Baroada House, New
Delhi.
2. Divisional Railway Manager,
Northern Railway, Moradabad
Division, Moradabad (U.P.).

....Respondents.

(By Advocate:-Shri. A.K.Gaur)

O R D E R

HON. MR. S. DAYAL, MEMBER-A

This application has been filed for setting aside notification dated 10-7-2002 and letter dated 6-9-2002. A direction is further sought to the respondents to conduct examination for 14 remaining vacancies confining to RPF staff only.

2. The applicant is a constable in RPF who has filed the O.A in order to get the benefits of the order passed in O.A 1113/99.

3. We have heard the arguments of Shri. U.S.Mishra for the applicant and Shri M.K.Sharma brief holder of Shri A.K.Gaur, for the respondents.

4. We have perused order dated 21-11-2000 in O.A 1113/99 by which the respondents were directed to

consider whether sufficient number of candidates existed for vacancies which were required to be filled up through examination held on 25-10-1997 and whether such vacancies were available at the time of issuance of notification dated 4-12-1997 in order to allow RPF staff to appear against 33-1/3% promotee quota. The direction was to ascertain whether such vacancies were available and if so hold examination for those vacancies for RPF staff ~~as~~ notified vide notification dated 4-12-1997.

5. The cause for filing O.A 1113/99 had arisen because the respondents No.3 had informed the applicants that they had ceased to belong to Group-D as they had been given the pay scale of Rs. 3050-4590 and that they were not eligible for promotion to Group-C against 33-1/3% promotee quota from Group-D. The present controversy is that in the selection pursuant to notification dated 10-7-2002 holding examination on 3-8-2002 for five vacancies should have been exclusively held for RPF staff. The learned counsel for the applicant has also claimed that the selection from amongst RPF should have been not only for five but for 14 vacancies in terms of order passed in O.A 1113/99.

6. The applicant has mentioned that he appeared in the said examination and has also qualified for interview which are going to be held w.e.f. 10-10-2002. But he apprehends that he may not make the grade on account of insufficient number of vacancies.

7. This O.A is based on the directions given in earlier O.A No. 1113/99 which was passed in a different context. At that time the respondents had refused to entertain the application of RPF staff against 33-1/3% quota for promotion from Group-D on the ground that the constable of RPF did not belong to Group-D, recourse cannot be taken to the order in the said O.A to claim that an exclusive test should be held for constables of RPF for selection to Group-C posts in the respondents organisation.

The purpose of giving opportunity to RPF staff is adequately served by permitting the constables of RPF, the categories to be ^{which} applicant belongs to, appear in the selection to Group-C posts. Hence, we find no merit in the O.A and the same is dismissed at the stage of admission.

No order as to costs.



Member-J



Member-A

madhu/