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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 346 OF 1992

Cuttack this the 1st day of April, 1992

Asit Ranjan Das

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?

2. Whether it be circulated to all the Benches of the Central Adminisrative Tribunal or not ?

(G.NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 346 OF 1992

Cuttack this the 1st day of April, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Asit Ranjan Das, aged about 52 years,
Son of Late A.C.Das at present
working as Head Clerk, Office of the
Senior Divisional Personnel Officer,
South Eastern Railway,
At/Po: Khurda Road,
District : Puri

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Applicant

By the Advocates : M/s.A.Deo,
B.S.Tripathy,
P.Panda
D.K.Sahoo

-Versus-

1. Union of India represented by the
General Manager, South Eastern Railway,
Garden Reach, Calcutta
2. Senior Divisional Personnel Officer
South Eastern Railway,
At/Po: Khurda Road, Dist:Puri
3. Divisional Railway Manager,
South Eastern Railway,
At/Po: Khurda Road, Dist:Puri

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Respondents

By the Advocates : Mr.Ashok Mohanty

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ORDER

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MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to declare the test held by the departmental authorities for the post of Assistant Personnel Personnel Officer/Assistant Welfare Officer on the basis of list at Annexure-1 as illegal. It is also prayed that direction be issued to departmental authorities to permit the petitioner to appear in that test.

2. On the date of admission of this case on 28.7.1992, by way of interim relief the applicant was allowed to appear at the test with the stipulation that his result should not be declared.

The applicant's case is that he joined the railway as a Clerk through Railway Service Commission on 15.10.1962. The applicant was promoted to the post of Welfare Inspector in the year 1967 and continued as such till September, 1989 and in October, 1989 he was promoted to the post of Head Clerk. The next promotional post for the applicant is Assistant Welfare Officer/Assistant Personnel Officer. The applicant applied for consideration of promotion to the post of Assistant Personnel Officer/Assistant Welfare Officer, but he was not called to appear at the interview even though persons junior to him were called to the test. In view of this the applicant has come up in this Original Application with the prayers referred to above.

3. The respondents in their counter have pointed out that according to conditions of eligibility for 75% quota for the post of Assistant Personnel

Officer/Assistant Welfare Officer, the requirement is that persons should appear at the test ~~would have~~ put in the scale of Rs.1600-2600/- as against which the applicant is in the scale of Rs.1400-2300/- and as he was not eligible, he was not called to the test. On the above grounds the respondents have opposed the prayer of the respondents.

4. We have heard Shri A.Deo, learned counsel for the applicant and Shri Ashok Mohanty, learned senior counsel appearing for the respondents and have perused the records. We find from Annexure-2 filed by the applicant himself that this examination to which he was not called was against 75% quota. We also note that as per Annexures R/1 and R/2 for the post of Assistant Personnel Officer/Assistant Welfare Officer against 75% quota, the eligibility scale is Rs.1600-2300/-. In view of this disqualification of the applicant the respondents rightly did not call for the applicant to appear at the test as he was not in the scale Rs.1600-2600/- but was in the scale of Rs.1400-2300/- which is the eligibility scale for 25% quota. In view of this we hold that the applicant has not been able to make out a case for the relief prayed for in this application. The O.A. is, therefore held to be without any merit and the same is rejected, but without any order as to costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO

(SOMNATH SOM)
VICE-CHAIRMAN