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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 31 OF 1995
Cuttack this the 23rd day of January/2001

R.N. Panda

...

Applicant(s)

-VERSUS-

Union of India & Others ...

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Ye*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *NO.*

(G.NARASIMHAM)
MEMBER (JUDICIAL)

SOMNATH SONG
VICE-CHAIRMAN
23.1.2001

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 31 OF 1995
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CORAM:

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

Rabinarayan Panda, aged about 35 years
Son of Sadasiba Panda, resident of
Village/PO - Kudiari, PS-Jatni, Dist-Khurda,
at present working as Adhoc Telephone
Operator in the Office of C.S.T.E.(CON),
South Eastern Railway, Chandrasekharpur,
Bhubaneswar, Dist-Khurda

Applicant

By the Advocates

Mr.P.C.Mohapatra

-VERSUS-

1. Union of India represented through its
General Manager, South Eastern Railway,
11, Garden Reach Road, Calcutta-700043
2. Divisional Personal Officer,
South Eastern Railway, Khurda Road,
At/PO/PS-Jatni, Dist-Khurda

Respondents

By the Advocates

M/s.D.N.Mishra
S.K.Panda

O R D E R

S.J.M.
MR.SOMNATH SOM, VICE-CHAIRMAN: In this Application under
Section 19 of the Administrative Tribunals Act, 1985, the
applicant has prayed for quashing letter dated 4.1.1995
(Annexure-8) in which it has been mentioned that he is not
entitled to appear at the test for promotion Telephone/
Telex Operator. Respondents have filed their counter opposing
the prayer of the applicant.

2. For the purpose of considering this petition it
is not necessary to go into too many facts of this case. The
stand taken by the parties in their pleadings and submissions
made by the learned Standing Counsel will be referred while
considering the prayer of the applicant.

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3. No rejoinder has been filed by the applicant.

4. The admitted position is that the applicant was appointed as a Temporary Peon in the Office of the District Signal and Telecom Engineer and was given adhoc promotion to the post of Telephone Operator in the Construction Wing in order dated 17.12.1993 at Annexure-2. In letter dated 27.10.1994 vide Annexure-3 it was notified that a selection would be held for filling up two posts of Telephone/Telex Operator (one for un-reserved category and one for S.T.) from amongst Group D staff working under T & W Wing in S & T Department. In this notice applications were invited from intending candidates for sitting at written and viva voce test. The applicant, accordingly applied and his application was forwarded by the Deputy C.S.T.E.(Con), Bhubaneswar, in his letter at Annexure-4. In letter dated 16.12.1994 vide Annexure-5 applicant along with six others were called to appear at the written test. The grievance of the applicant is that he went to take the written test on 7.1.1995, but he was not allowed to take the test on the ground that his candidature had been cancelled.

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5. The sole point for consideration in this case is whether cancellation of his candidature was valid and/or whether he was rightly not allowed by the Respondents to take the test for promotion to the post of Telephone/Telex Operator.

6. We have considered the pleadings carefully and heard Shri D.N.Mishra, the learned Standing Counsel appearing for the Railway Administration. In the notice inviting applications, which is at Annexure-3, it is clearly mentioned that selection will be made from amongst the Group D staff working under T.&W wing of SST Department. The applicant had been

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 appointed under District Signal & Telecom Engineer and was promoted to the post of Telephone Operator on adhoc basis in order dated 17.12.1993 of Deputy Chief Signal & Telecom Engineer. From this it prima facie appears that he was working in S&T Department and not in T&W Wing. Learned Standing Counsel has also produced before us two Gradation Lists, one for T & W Wing and another for S & T Wing. We find that in the Gradation List of S & T Wing the name of the petitioner is shown at Sl.No.1 amongst the list of Peons, but his name is not shown in the Gradation List of T & W Wing. In view of this it is clear that the applicant not being borne in T & W Wing; his candidature has been rightly cancelled by the Respondents and therefore, we find no legal infirmity in the action of the Respondents in not allowing the applicant to take the examination.

In the result, we find no merit in this application which is accordingly rejected, but without any order as to costs.

(G.NARASIMHAM)
 MEMBER (JUDICIAL)

Somnath Som
 SOMNATH SOM
 VICE-CHAIRMAN
 23.1.2001

B.K.SAHOO//