

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.666 OF 2010

Cuttack this the 19th day of July, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

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Anil Singh, aged about 37 years, S/o.Benudhar Baliar Singh, at present working as Track Man under Senior Section Engineer (P.Way), East Coast Railway, Khurda Road Railway Division, At/PO/Dist-Khurda permanently residing At/PO-Kudiary, Via-Jatni, District-Khurda

...Applicant

By the Advocates:M/s.B.S.Tripathy, M.K.Raqth, J.Pati & Mrs.M.Bhagat
-VERSUS-

1. Union of India represented through the General Manager, East Coast Railway, Rail Vihar,At/PO-Chandrasekharpur, Bhubaneswar, Dist-Khurda
2. The Divisional Railway Manager, East Coast Railway, Khurda Road, District-Khurda
3. The Chief Personnel Officer, East Coast Railway, At/PO-Chandrasekharpur, Bhubaneswar, District-Khurda
4. The Senior Divisional Personnel Officer, East Coast Railway, Khurda Road, Dist-Khurda
5. The Senior Section Engineer (P.Way), East Coast Railway, Khurda Road Railway Division, At/PO-Khurda Road, District-Khurda

...Respondents

By the Advocates:Mr.S.K.Ojha, SC

ORDER

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:

1. Heard Shri B.S.Tripathy, learned counsel for the applicant and Shri S.K.Ojha, learned Standing Counsel.
2. The terms of reference in this O.A. is whether the applicant in the capacity of Gangman/Trackman from Engineering Department is eligible to appear at the selection test for the post of Junior Clerk-cum-Typist against 33 1/3% against Departmental Promotion quota.



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3. Admittedly, the applicant is at present working as Trackman under the Respondent-Railways. His grievance is that he is not being permitted to appear at the selection test for promotion to the post of Junior Clerk-cum-Typist against 33 1/3% against Departmental Promotion quota in view of impugned notification dated 2.12.2009 (Annexure-A/1) issued by the Respondents.

4. Respondents have filed their counter opposing the prayer of the applicant. The sole ground on which the Respondents have opposed the prayer of the applicant is that the category of Gang Man (renamed as Trackman) is not eligible to apply for the said selection since the category of Track man is having the avenue of promotion in its own line to the post of Mate and Key Man.

5. We have considered the rival submissions made by the learned counsel for the parties and perused the materials on record. The applicant has filed rejoinder to the counter also by admitting the stand point of the Respondents as aforementioned. Thus, it is admitted that the applicant is having the avenue of promotion in his own line to the post of Mate and Key Man. The Hon'ble Supreme Court in very many decisions have depreciated the multiple channels of promotion and in the event the applicant is allowed to be promoted to the post of Junior Clerk cum Typist other than his own line of promotion, certainly it would give rise to multiple channels of promotion.

6. Incidentally it may be mentioned that in similar matter in O.A.No.165 of 2009 this Tribunal did not feel inclined to accede to the prayer of the applicant therein. In order to maintain uniformity, certainty and consistency in the administration of justice we do not see any justifiable reason to make a departure from the view already taken by this Tribunal in O.A.(supra) and accordingly, we hold that there is no infirmity or

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illegality in the notification dated 2.12.2009 (Annexure-A/1) which is sought to be quashed in the present O.A. In the result, the O.A. stands dismissed. No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K. PATNAIK)
JUDICIAL MEMBER

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