

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

O.A./1254/1996

C O R A M

Hon'ble Mr. D.C. Verma, Vice Chairman(J)
Hon'ble Mr. G.R. Patwardha, Member(A)

Yaswant Kumar - Baboolal,
Sr. Gangman, Under
PWI, Chhindeara,
S.E. Railway.
Add.: Railway Qtr. No. F/2-A/4,
Chhindeara-480 001.

.....APPLICANT

ADVOCATE : MR. B.P.ROY

V/s

1. Union of India, through
The General Manager,
S.E. Rly., Garden Reach,
Calcutta.
2. General Manager,
S.E. Rly., Garden Reach,
Calcutta.
3. Chief Personnel Rly. Officer,
S.E. Rly., Garden Reach,
Calcutta.
4. Divisional Personnel Officer,
S.E. Rly., Nagpur.
5. Divisional Railway Manager,
S.E. Railway, Nagpur.

.....RESPONDENTS

ADVOCATE : MR. S.SEN

DATE OF ORDER: 25.01.05

ORDER (ORAL)
(PER D.C. VERMA)

By this O.A. the applicant has prayed for a direction to the respondents to publish the result of the suitability test held on 10.06.1991 wherein the applicant was held suitable. It is also prayed that the applicant be promoted to the post of Permanent Way Mistry in the scale of Rs. - 1400-2300/- w.e.f. 19.08.1991.

2. The fact, in brief, is that the respondents invited application from eligible staff for selection to the post of Permanent Way Mistry in the scale of Rs. 1400-2300/-. The applicant and others were considered. The result of

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the written test was declared and thereafter viva-voce was held.

3. The grievance of the applicant is that one Ravindra-Nath Patnaik also appeared in the said suitability test. Patnaik was promoted to the post of PWM, ^{though} ^{was} but he ~~would~~ not holding the educational qualification. Mr. Patnaik had passed HSC examination from Madhyapradesh which was then equivalent to 11th standard. The applicant was also holding qualification of HSC from Madhyapradesh. On declaration of result Patnaik was found suitable whereas the applicant was not found suitable. Patnaik was promoted, but the applicant was denied the promotion. Hence the present O.A..

4. The respondents' case is that R.N. Patnaik had cleared the written test whereas the applicant had failed. Patnaik was called for viva-voce also and was finally selection. So Patnaik was promoted as PWM. The applicant was not called for viva-voce, as he had failed in the written test itself.

5. The respondents have by MA/112/2000 produced some additional information with regard to Mr. Patnaik. Additional information is taken on record. It is to the effect that an investigation was carried out and it was subsequently revealed that the prescribed minimum qualification for the post of PWM was Higher Secondary (i.e. 10 + 2) with Mathematics and Science and Shri R.N. Patnaik was not having the said required qualification. Shri Patnaik, therefore, was not supposed to be called for selection, but he was called for on the basis of his qualification of Higher Secondary i.e. 11th Standard of Madhya Pradesh State. As Patnaik ~~was~~ was empanelled erroneously, the respondent Railway administration was compelled to revert ~~the~~ Patnaik back to his former post of Gangman vide office order dtd. 24.11.99. Copy of the office order dated 24.11.99 has been annexed with

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this M.A..

6. The respondents have in their reply mentioned that the applicant failed in the written test for selection to the post of PWM. Admittedly the applicant was also having the educational qualification of Higher Secondary of Class 11th of Madhya Pradesh State. Thus the applicant was not also 10 + 2 and thus not eligible for the said post of PWM.

Grievance of the applicant was against R.N.Patnaik, which after reversion of Patnaik back to his former post of Gangman, does not subsist, consequently the O.A. has no merit.

7. In view of the above, the OA is dismissed with no order as co costs.

(G.R. Patwardhan)
Member(A)

(D.C. Verma)
Vice Chairman(J)

CMJ/

(a) SI No of the "Applicant
(b) Name of the applicant
(c) Dt. of presentation or app. for copy
(d) No. of pages
(e) Copying fee charged/ urgent or not
(f) Dt. of presentation of copy <u>31/1/2005</u>
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