

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 214/2005**

**Date of order:** 18/2/2010

**CORAM:**

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER  
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

Gopi Kishan S/o Sh. Churu Ram Ji, aged about 45 years, R/o Ward No. 7, Near Baby Happy School, Bhatta Colony, Hanumangarh Junction, Dist. Hanumangarh, (Rajasthan)

Presently working on the post of Loco Cleaner in the office of Senior Section Engineer (Loco), North Western Railway, Hanumangarh Junction, Dist. Hanumangarh, (Rajasthan).

...Applicant.

Mr. S.K. Malik, counsel for applicant.

**VERSUS**



1. Union of India through the General Manager, North Western Railway, Jaipur, (Rajasthan).
2. The Divisional Railway Manager, North Western Railway, Bikaner Division, Bikaner, (Rajasthan).
3. The Assistant Personnel Officer, North Western Railway, Bikaner Division, Bikaner (Rajasthan).

... Respondents.

Mr. Salil Trivedi, counsel for respondents.

**ORDER**

**Per Hon'ble Dr. K.S. Sugathan, Administrative Member**

The applicant joined the railways as a casual labour on 24.04.1978. He was regularized as a Loco Cleaner with effect from 18.06.1991. With the phasing out of steam engines, the applicant along with some others were declared surplus (Annex. A/2). The Railways introduced a scheme of re-deployment of

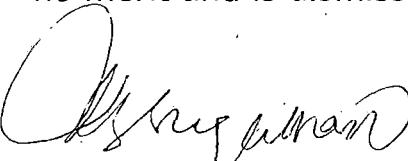
such surplus staff through training and selection. By letter dated 18th May 2001 (Annex. A/11) surplus loco cleaners were given a chance to appear in the selection process for the post of diesel assistant with a higher pay scale. In the said selection process, a one time relaxation of educational qualification was also given. Those with 8<sup>th</sup> std. pass were also allowed, instead the prescribed minimum requirement of 10<sup>th</sup> std. The applicant was also allowed to participate in the selection. His name appears at serial No. 30 of Annexure A/11. The applicant participated in the selection process, but was declared failed. Thereafter the applicant has been making representations for allowing him to participate in similar selection tests, but it was not accepted by the respondents. By order dated 09.05.2005 the applicant was re-deployed as Electrical Khalasi (Annex. A/1) in the same pay scale. Aggrieved by the said redeployment, he has filed this Original Application.

2. The respondents have filed a reply. It is stated in the reply that the applicant does not fulfil the minimum educational qualification prescribed for the post of Diesel Assistant. He is only 8<sup>th</sup> std. pass whereas the minimum prescribed is Matriculation. The relaxation in educational qualification was a one-time measure. The benefit of the relaxation was given to the applicant also and he was allowed to participate in the selection process as per letter dated 18.05.2001. But he failed in the selection process. He cannot be considered again for selection because the relaxation in educational qualification was only a one time measure.

3. We have heard the learned counsel for the applicant Shri S.K.Malik and the learned counsel for the respondents Shri Salil Trivedi. We have also perused the documents carefully.

4. The issue for consideration in this O.A. is whether the applicant is entitled to be considered again for the selection process for the post of Diesel Assistant. Admittedly, the applicant does not possess the prescribed educational qualification. It is also not disputed that he was allowed the benefit of the one-time relaxation in educational qualification and allowed to participate in the selection, but he failed in the test. The applicant has not produced any document to support the demand that failed candidates should be given one more chance. The argument of the applicant that as his juniors have now become Diesel Assistants and therefore he also should be considered does not have any merit because the post of Diesel Assistant is a selection post and the same is required to be filled in by a positive action of selection from among those fulfilling the prescribed qualifications and criteria.

5. For the reasons stated above, this Original Application has no merit and is dismissed. There is no order as to costs.

  
**(DR. K.S. SUGATHAN)**  
**ADMINISTRATIVE MEMBER**

  
**(JUSTICE S.M.M. ALAM)**  
**JUDICIAL MEMBER**

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S. K. Malhotra  
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दिनांक 17/12/15 के आदेशानुसार  
प्रेरी अपरिषद में दिनांक 9/12/16  
को भाग-II का III चर्चा किए गए।

अनुभाग अधिकारी  
केन्द्रीय प्रशासनिक अधिकारण  
लोधपुर न्यायपीठ, लोधपुर