

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

NO. O.A. 1425 of 1997
M.A. 378 of 1998

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.
Hon'ble Mr. G. S. Maingi, Administrative Member.

P.K. Mitra & Ors.

... Applicants
Vs.

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The Chairman, Railway Board, Rail Bhawan, New Delhi.
3. The General Manager, Eastern Railway, Fairlie Place, Calcutta - 700 001.
4. The General Manager, Chittaranjan Locomotive Works, P.O. Chittaranjan, Dist. Burdwan.
5. The Deputy Chief Personnel Officer (W), Chittaranjan Locomotive Works, P.O. Chittaranjan, Dist. Burdwan.

... Respondents

For the applicants : Mr. Samir Ghosh, counsel.

For the respondents : Mr. R. N. Das, Sr. Counsel.
Ms. B. Ray, counsel.

Heard on : 6.8.1999 & 9.8.1999. Order on : 03-9-99

ORDER

G. S. Maingi A. M.

The present O.A. has been jointly filed by P.K. Mitra and 23 other applicants. They are all working in the Chittaranjan Locomotive Works (CLW for short), Chittaranjan. The Railway Board had issued instructions on 20.8.1993 vide the letter no. E(NG) 1/92/PMD/16. to all the General Managers of the Railways

for the OBC class of candidates, whereas in the employment news dated 6-12.9.1997, it has been mentioned that the upper age limit has been relaxed for 3 years in the case of OBC candidates. As such, the applicants at serial nos. 22, 23 and 24 are entitled to get the said benefit of relaxation of age for 3 years. The written examination was conducted on 14.12.1997. Its result was to be published on 22.12.1997 and the viva-voce test was to be conducted on 29.12.1997. The age limit for the purpose of the competitive examination was to be calculated as on 1.10.1997. Some of the applicants from Serial nos. 1 to 21 had improved their educational qualifications during the period from 1968 to 1981 and also acquired qualification of diploma. It is the grievance of the applicants listed at serial nos. 1 to 21 that because of the irrational fixation of the upper age limit including the cut off date i.e. 1.10.1997 in respect of calculation of age, they have been ousted from the zone of consideration.

2. The applicants were represented by Mr. Samir Ghosh and the respondents by Mr. R.N. Das, Sr. Counsel, leading Mrs. B. Ray.

3. The ~~respondents~~ have also filed a miscellaneous application bearing no. 378 of 1998 praying for publication of result and to make appointments.

4. Mr. Samir Ghosh, appearing on behalf of the applicants has contended that the respondents have acted with material irregularity in not relaxing the upper age limit for 3 years in the case of OBC candidates i.e. applicant nos. 22 to 24, but because of non-relaxation of the upper age limit, inconvenience was caused to these three applicants although they were otherwise eligible in all respects. It has been further contended by Mr. Ghosh that the respondents had issued a notice in the employment news for the period from 6-12.9.1997, where it has been mentioned that the upper age limit in the case of OBC candidates has been relaxed by 3 years. It has also been stated that the respondents have committed irregularity with regard to the

25% direct recruitment vacancies in Group-C categories. This was done in view of the program of rapid modernisation of Indian Railways as also phasing out of steam traction resulting in closure of Steam Loco Sheds and closure of Goods Sheds and Transhipment Yards, etc., It made a large number of regular staff surplus and for their retention, it required to be redeployed in alternative jobs. The decision was taken by the Railway Board as a one-time measure and the method of General Departmental Competitive Examination was decided to be adopted to fill up 25% of the net direct recruitment vacancies. It was also stated that the quotas prescribed for SC and ST would be applicable to this competitive examination. The age limit prescribed for unreserved general category candidates was 40 years and that for SC and ST candidates was 45 years. No age relaxation was prescribed for other backward classes and as such they were obviously to be treated as a part of the unreserved general candidate quota. It was also prescribed that the competitive examination would comprise of a written test followed by viva-voce and the panel would be strictly in order of merit. It was laid down that psychological test would be held for the categories where required for direct recruitment. This instruction of the Railway Board was reiterated vide its letter dated 11.6.1997. With a view to widen the scope of the scheme of competitive examination in view of diploma holders occupying lower grade posts, it was decided that a few more categories of the members of the staff would be included for the legitimacy of the competitive examination. According to the notice dated 20.10.1997 (annexure 'C' to the application), issued by C.L.W., Chittaranjan, it was indicated that the staff working in Group-C and Group-D categories, would be eligible. One of the OBC candidates, who is at serial no.23 of the application, namely, A.Sharma, made a representation to the Dy.Chief Personnel Officer, CLW on 13.11.1997 that the notice dated 10.11.1997 (annexure 'D' to the

1-21 which has been fixed at 40 years with the cut-off date as on 1.10.1997, though they had acquired diploma qualification as stipulated by the respondents.

5. It has been stated in the reply of the respondents and has also been contended by the ld. counsel for the respondents that as per the procedure, the vacancies in the category of Chargeman Gr.'B'/Draftsman 'B' of the Mechanical/Electrical Departments are filled up 50% by direct recruitment through Railway Recruitment Boards, 25% from serving matriculate employees with 3 years service in skilled grades and below 45 years of age as Intermediate Appr. Mechanics for the category of Chargeman 'B' And 25% by induction of Inter Apprentices from amongst Asstt. Draftsman - for Draftsman 'B' and 25% by promotion from ranks. The respondents state that the age limit as on 1.10.1997 was prescribed for the General Departmental Competitive Examination as on 1.10.1997 as 40 years and for the unreserved competitors and OBCs and 45 years for SC/ST. It is contended that the entire selection procedure as well as the eligibility criteria has been prescribed in Railway Board's letters dated 20.8.1993 and 11.6.1997 which were duly circulated. The respondents state that some members of staff of CLW have filed the instant O.A. when an interim order has been passed by this Tribunal on 19.12.1997 giving liberty to the respondent-authorities to conduct the examination upto the holding the viva-voce test but the result of the said examination would not be published nor appointments made without the leave of the court. As per the instructions of the Railway Board, Group-D categories of staff are not debarred from being considered for selection through GDCE as the instructions stipulated that all regular employees possessing the prescribed educational qualification for direct recruitment shall be eligible for appearing in the DGCE, irrespective of the grade and cadre. That emphasised that staff whether Group-C or Group-D, were eligible to appear for the competitive examina-

serving employees belonging to the OBC category had been allowed by the Railway Board.

6. The issue for adjudication in this O.A. as also the miscellaneous application is whether this Tribunal could extend the age limit for appearing in the GDCE held by the Chittaranjan Loco Workshop in the case of unreserved and OBC category members of the staff beyond 40 years of age and whether the age relaxation in respect of the OBC members of the staff can be enhanced by 3 years as had been done as per the advertisement dated 6-12.9.1997 in the employment news issued by the Railway Board as also on different dates such as the one issued by Recruitment Board, Chandigarh, Recruitment Board, Bangalore and Recruitment Board, Calcutta. We have carefully examined the contentions of both the parties and we have no hesitation to hold that the age relaxation given as per the advertisement of the Railway Recruitment Board applies to those categories for which the advertisement has been issued. The age relaxation given therein for OBC candidates, cannot be made applicable to the applicants in this O.A. Therefore, the OBC candidates in this O.A. have to be treated alongwith the unreserved category. One of the applicants i.e. applicant no. 23 to the O.A., had represented to the respondents for age relaxation and the C.L.W. vide their letter dated 2.12.1997 (annexure 'H'), have stated that the upper age limit had already been stipulated in the Railway Board letters dated 20.8.1993 and 11.6.1997. Obviously, the Railway Board, while issuing the instructions/guidelines, was aware that the relaxation for OBCs was being given in the advertisements issued by the Railway Recruitment Board but despite that, they did not extend the age relaxation in the case of OBCs for the GDCE. They took this ^{Policy} decision in their wisdom and were fully conscious of their responsibility. Therefore, it is neither correct nor desirable on the part of this Tribunal to

relaxation of the unreserved and OBC candidates is concerned, that also is not called for as 40 years of age as on 1.10.1997 is already enough relaxation.

7. In view of the above, there is no justification for relaxation of age in the case of unreserved general category and OBC. The O.A. and the M.A. are both disposed of with the above observation and with a direction to the respondents that they can now publish the result and make the appointments.

8. No order is made as to costs.

G.S. Maingi 3.9.97
(G.S. Maingi)
Administrative Member

D.P. Purkayastha 3.9.97
(D.Purkayastha)
Judicial Member

R.S.