

Central Administrative Tribunal  
Madras Bench

O.A. No. 460/86

M Govindan Nambiar

... Applicant

- Vs-

- 1 General Manager (Personnel)  
Southern Railway, Madras
- 2 Chief Signal & Telecommunication  
Engineer,  
Southern Railway, Madras
- 3 Chief Personnel Officer  
Southern Railway, Madras-3
- 4 Senior Divisional Personnel Officer  
Southern Railway, Trivandrum
- 5 Senior Divisional Personnel Officer  
Southern Railway, Palghat ... Respondents

M/s KA Abraham & Majnu Komath ... Counsel for Applicant

M/S M Ramachandran & V Ramachandran..Counsel for Respondents

CORAM

Hon'ble Shri C Venkataraman, Administrative Member  
and

Hon'ble Shri G Sreedharan Nair, Judicial Member

(Order pronounced by Hon'ble Shri G Sreedharan Nair,  
Judicial Member)

O R D E R

The applicant while working as Maintenance  
-in-Charge, Electrical, was called for selection to  
the post of Signal Inspector Grade III on 9.12.78  
to be held at Madras. However, he received the  
advice only on the date on which the selection was  
to be conducted. During the next year also the  
applicant alleges that he could not appear for the  
selection as he was laid up as an inpatient in the  
Lourdes Hospital at Ernakulam. He was subsequently

called for the selection conducted on 27.1.1980, and was selected and posted as Signal Inspector. His grievance is that his seniority in the grade of Signal Inspector has not been properly fixed, and that the representation submitted by him in that behalf has been illegally rejected by the order dated 1.7.85 (copy of which is Annexure-VIII). According to the applicant in view of <sup>Paragraph</sup> ~~Rule~~ 317 of the Railway Establishment Manual, as it was on account of reasons beyond his control that he was unable to appear for the test held during the years 1978 and 1979, when once he passed the test in the year 1980 he is to be treated as entitled to promotion as if he had passed the test in the year 1978 itself.

2 A reply has been filed by the 4th Respondent wherein it is contended that <sup>Paragraph</sup> ~~Rule~~ 317 relied upon by the applicant has no application and that in view of the letter of the Railway Board dated 3.9.76 revising the selection procedure, there is no scope for more than one supplementary selection. It is also contended that the applicant had not represented against the panel published in 1979, and that the applicant cannot claim seniority as if he had taken the selection held in the year 1978.


3 The sole ground on which ~~the~~ <sup>is</sup> relief claimed in this application, and <sup>urged by</sup> the counsel of the applicant ~~urged the same~~ is the provision contained in

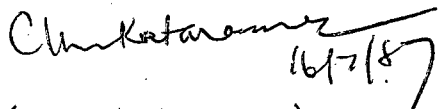
paragraph 317 of the Indian Railway Establishment Manual. The Manual embodied the administrative orders issued by the Railway Board from time to time. Paragraph 317 has application only to promotion to a non-selection post, and the examination or test in connection with the same, as is clear from a reading of paragraph 316 which immediately precedes. On an examination of the pleadings in the instant case we cannot, but hold that the post of Signal Inspector is a selection post. The applicant himself alleged in paragraph 2 of the application about the selection to the post. In the counter affidavit the 4th Respondent has very clearly stated about the nature and procedure of the selection. The post is to be filled up partly by direct recruitment and partly through the process of selection from the persons among the feeder category, and all the eligible employees were considered for the selection including the applicant. The constitution of the selection board and the empanellment of the successful candidates have also been pointedly referred to in the counter affidavit.

4 As regards selection posts, selection is governed by paragraphs 213 to 217 of the Indian Railway Establishment Manual. The constitution of the Selection Board is by virtue of paragraph 215. The respondents have produced Ex.R-1, copy of the letter

of the Railway Board dated 3.9.1976 by way of modification regarding the selection procedure in terms of paragraph 216 of the Manual. In the circumstances <sup>the</sup> reliance placed on the provision contained in paragraph 317 of the Manual for the claim that the applicant is to be deemed as having passed the test in the year 1978 itself cannot be sustained.

5 We dismiss this application.

  
(G Sreedharan Nair)  
Judicial Member  
16-7-87

  
(C Venkataraman)  
Administrative Member  
16-7-87

Index: ~~Yes~~/No

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