

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 111 OF 2010

Tuesday, this the 4th day of October, 2011

CORAM:

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

**Gopalakrishna Sharma
S/o. Narayana Wadyar
Junior Engineer/Electrical Power Grade-I
Office of the Section Engineer (Power)
Southern Railway, Trivandrum Central
Residing at TC 20/2634, S.S. Street
Karamana, Trivandrum – 695 002.**

- Applicant

(By Advocate Mr. P. Ramakrishnan)

Versus

- 1. Union of India
Represented by the Secretary
Ministry of Railways, New Delhi.**
- 2. The Senior Divisional Personnel Officer
Southern Railway, Trivandrum.**
- 3. The Assistant Personnel Officer (M&E)
Head Quarter Officer, Personnel Branch
Chennai – 600 003.**
- 4. The Chief Personnel Officer
Southern Railway, Chennai.**

- Respondents

(By Advocate Mr. K.M. Anthu)

**The application having been heard on 04.10.2011, the Tribunal on
the same day delivered the following:**



ORDER**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER**

The applicant is now working as Junior Engineer Grade-1 in the office of the Section Engineer, Electrical Power, Southern Railway, Trivandrum. He joined the Railways as Electrical Fitter on 11.10.1990. He appeared for the test conducted for the post of Junior Engineer Grade – II. He was selected and sent for training. While so, O.A. No. 1069/1999 was filed. The question as to whether the test conducted was proper was considered by this Tribunal and found that the test was not conducted properly and a fresh test was ordered to be conducted against which Writ Petitions were filed in O.P No. 26583/2001 and connected matters. The said Original Petitions were disposed of by the judgement dated 12.10.2001, whereby the Hon'ble High Court of Kerala approved the view of the Tribunal. However, it was clarified that till fresh selection is made by the Department, Writ Petitioners will be allowed to continue as Junior Engineers provisionally and subject to the further selection. A fresh selection was conducted and eventually applicant was again appointed. The provisional service rendered by him consequent on the decision of the Hon'ble High Court of Kerala, till such appointment was made regularizing his training period, ^{whether} can be treated as regular service, arise for consideration. In the seniority list he was shown as having entered the service as Junior Engineer Grade-II, on that date fresh selection was conducted. According to him, his service ought to have been reckoned from the initial date of his appointment. Heard the learned counsels for the parties. The earlier appointment of the applicant was based on a test

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which was improperly conducted. Hence, applicant cannot lay any claim based on such appointment. His continuance was based on Hon'ble High Court's judgment as a stop gap arrangement only, and the department rightly treated the period as training period and after the new test he was duly appointed. The subsequent test alone is legally conducted and his seniority can be reckoned, only on the basis of the second test. Hence, there is no merit in this O.A.

2. O.A is dismissed. No costs.

(Dated, the 4th October, 2011.)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

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