

CENTRAL V.D. & S.R. TRIBUNAL,

LUCKNOW, U.P.,

LUCKNOW,

Review Petition No. 1101/93

in

O.A.No.533/87

P.K. Mishra : : : : : Applicant

Vs.

Union of India & Others. : : : : : Respondents.

Hon. Mr. Justice R.K. Varma, V.C.

Hon. Mr. V.K. Seth, A.M.

(By Hon. Mr. Justice R.K. Varma, V.C.)

By this Review Application the petitioner Shri P.K. Mishra, seeks review of the common order dated 4-8-1992 deciding O.A.No.533/87 - P.K. Mishra (petitioner) Vs. Union of India & others, which was dismissed and O.A.No.67/90 - V.S.L.Srivastava Vs. Union of India & Others, which was allowed.

2. In connection with the selection for the post of Assistant Documentation Officer (A.D.O.) in Research, Design and Standard Organization (RDSO), Manak Nagar, Lucknow, Shri P.K. Mishra, officiating A.D.O.(Lib.) was informed by Memorandum dated 11-4-1986, from the office of Director General, RDSO, that the petitioner was not eligible for consideration for the post of A.D.O.(Pub.Lib.) as possessing of at least Bachelor's degree and degree or equivalent diploma in Library Science of a recognized University or equivalent is a must in the case of promotees and as such his name has not been included in the list of eligible candidates.

3. The petitioner, by O.A. No.533/87 filed on 23-6-87, sought quashing the said memorandum dated 11-4-1986 and a direction to the respondent No.2 to consider the name of the petitioner for departmental selection for the post of ADO (Pub. Lib.).

4. By the order under review the petitioner's O.A. No.533/87 has been dismissed.

5. By this Review Petition, the petitioner seeks to urge a ground, which he says, was taken at the time of hearing of O.A. No.533/87 and which according to the learned counsel for the applicant, does not appear to have been considered in the judgment/order under review.

6. The ground which is stated to have been taken at the time of argument is based on a reading of a note occurring at the foot to column No.11 of the Schedule annexed to R.D.S.O. (Group 'A' & Group 'B') recruitment rules, 1984 published by Ministry of Railways (Railway Board) in GSR-452 dated 10-4-1984 in the Gazette of India, May 5, 1984.

7. The method of recruitment, age limit, qualification and other matters relating to the various posts has been specified in columns 5 to 13 of the said Schedule. The Schedule pertaining to the recruitment to the post of A.O.O. (Pub. Lib.), mentioned in Col.11 is as under:-

* 11. Promotion:

Through departmental selection (which shall include ordinarily a written test and viva-voce test of Grade 'C' staff (other than ministerial staff) working in a documentation and library. The selection shall be made from among the staff holding posts in the grade the minimum of which is Rs.425/- in the revised scale and in higher group 'C' grades on a regular basis provided they have rendered a minimum of 3 years non-continuous service and if reach a stage of Rs.560/-.

Note:- In case a junior employee who is considered for selection by virtue of his

satisfying the relevant minimum service conditions of persons senior to him shall also be held to be eligible notwithstanding that they may not satisfy the requisite minimum service conditions".

8. From the reading of the note it appears that the relevant minimum service conditions referred to therein pertain to minimum of the grade, minimum 3 years' non-fortuitous service and the reaching of the stage of Rs.560/- which may be waived in case of persons senior to a departmental candidate who is eligible.
9. The learned counsel for the petitioner has submitted that the aforesaid note occurring at the foot of col.No.11 should be read as a note qualifying other columns also including column 8 which prescribes in case of promotees that he must possess at least a bachelor's degree and a degree or equivalent diploma in Library Science of a recognized University or equivalent.
10. The learned counsel states that the petitioner was the senior most departmental candidate and if the conditions of the service regarding educational qualification is relaxed by holding the said note applicable to col.No.8 as well, the petitioner becomes eligible and the impugned memorandum of the Director General, RDSO, dated 11-4-86, holding the petitioner ineligible, on account of deficiency in educational qualification, should have been quashed.
11. The O.A. No.533/87 was heard by a Bench comprising of the Members both of whom have since retired. Even assuming that the arguments based on the reading of the

aforesaid note to Col. No.11 of the Schedule had been urged at the time of hearing of O.A. No.533/87, we do not think that the same could have been of any avail to the petitioner since we are of the opinion that the said note occurring at the foot of col. No.11 of the aforesaid Schedule, qualifies the service conditions mentioned in Col. No.11 only and its reading cannot be extended and cannot be made applicable to other columns of the Schedule.

12. Accordingly, in our opinion, this Review Petition has no merit and it is hereby dismissed.

W.S.
ADMINISTRATIVE MEMBER.

R.K. Varma
VICE-CHAIRMAN.

Dated: 7/2/94, Lucknow.

(tgk)