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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A. No. 121 of 1992.

R.P.Dwivedi and 5 others

Applicants. (Petitioners)

versus

Union of India through the Secretary  
Railway Board, Rail Bhawan, New Delhi.

2. Secretary, Railway Board, Rail Bhawan, New Delhi.
3. The General Manager, Northern Railway, Baroda House, New Delhi.
4. The Divisional Rail Manager, Northern Railway, Lucknow.
5. The Sr. Divisional Personnel Officer, Northern Railway, Lucknow.

Respondents.

Hon. Mr. S.N. Prasad, Member Judicial.

The applicants have approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer to the effect that the proposed test and interview through the letter Annexure No. 1 on 14.3.92 be cancelled, and the directions be issued to the respondents to prepare the seniority list and to finalise it before making any selection by holding the test and interview, and the

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applicants be declared as qualified and eligible ~~for~~ <sup>to</sup> the pay scale of Rs 2000-3200 and entitle to get promotion according to rules.

2. The main grievance of the applicants, as ventilated in their applications, interalia, is that the petitioner No. 1 was appointed on the post of Assistant Station Master in the year 1979 and worked as such till the year 1984, when he was sent for training ~~for~~ <sup>of</sup> the post of Station Master/Yard Master/Section Controller/T.I. on 17.8.84 to the Zonal Training School, Chandausi and he completed the training in the month of May, 1985 and was posted as Station Master/Yard Master in the month of December, 1987 and he is still working on the same post. The applicant No. 2 was appointed on the post of Assistant Station Master under the respondents (opposite parties) <sup>when</sup> and continued to work as such till July, 1983, <sup>he</sup> was sent for training to the Training School, Chandausi. He completed training in the month of May, 1985, and at present he is posted as Assistant Station Master Phaphamau, District Allahabad. The petitioners 3 to 6 were selected for the post of Traffic Apprentices by the Railway Recruitment Board, Allahabad in the month of December, 1986 and they were sent for training at Chandausi and completed the training on 15.2.90. The applicants No. 3 to 5 were posted as Yard Master and are still posted on the same post <sup>and</sup>

Petitioner No. 6 was posted as Section Controller and he is now posted as Station Master at Jaitipur. It has further been stated that the petitioners are at present working in the pay scale of Rs 1600-2660. The work and conduct of the applicants has been satisfactory and there has never been any complaint against them of any kind. The next higher post from the pay scale of Rs 1600 -2660 is Rs 2000-3200 which is liable to be filled up by promotion to the extent of 100 percent of the vacancies amongst the Station Masters/T.I. and Yard Masters ~~are~~ on the basis of ~~this~~ selection (on the basis of circular No. E757-3/42 (EIB) dated 25.7.88 (Annexure A-2 to the application) of the Railway Board issued by General Manager, Northern Railway. It has further been stated that there are at present 17 vacancies of general candidates in the pay scale of Rs 2000-3200, and according to para 216(d) four times of the number of existing and anticipated vacancies plus 20 percent thereof for unforeseen vacancies will be called for written test, but the respondents have called for only 55 general candidates for the test through the letter Annexure 1.

3. This is worthwhile to mention this fact that as per interim order passed in this case on 13.3.92, by this Tribunal, the applicants were allowed to appear in the written test which was going to be conducted on

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14.3.92 by the respondents for selection for the post of S.S./Deputy Chief Yard Master/Traffic Inspector of grade Rs 2000-3200(R.P.S.) as detailed in Annexure-1

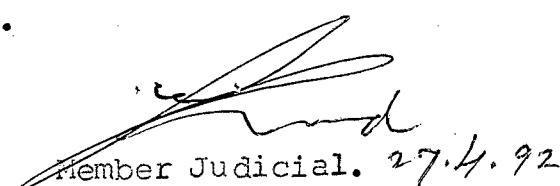
However, the respondents were directed not to declare the result of the said written test till further orders.

Since the applicants have already appeared at the aforesaid test, as indicated above, keeping in view the facts and circumstances of the case and aspects of the matter, I find it expedient that the ends of justice would be served if the respondents are directed to prepare the seniority list of the applicants alongwith other counterparts of the same scale in accordance with the extant rules, regulations and orders of the Railway Board in this regard, and thereafter to declare the result of the aforesaid test as well in accordance with law and extent rules, regulations and procedure, by a reasoned and spealing order within a period of three months from the date of receipt of a copy of this order and I order accordingly.

4. The application of the applicant is disposed of as above and the interim order passed earlier stands vacated. No order as to costs.

Shakeel/

Lucknow: Dated: 27.4.92.

  
Member Judicial. 27.4.92