

CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH

[Patna, this 19<sup>th</sup> day of February, 2010] O.A.NO.: 442 OF 2006

C O R A M  
HON'BLE MR. JUSTICE ANWAR AHMAD, MEMBER [JUDL.]  
HON'BLE MR. SUDHIR KUMAR, MEMBER [ADMN.]

Sikandar Ravidas, S/o Late Nandkeshwar Ravi Das, resident of Virkuwar  
Singh Colony, Hazipur, District – Vaishali. ....APPLICANT.  
By Advocate :- Shri S.K.Bariar.

Vs.

1. Union of India through Secretary, Ministry of Railway, Rail Bhavan,  
New Delhi-1.
2. The General Manager, East Central Railway, Hazipur.
3. The General Manager, Personnel, East Central Railway, Hazipur.  
.....RESPONDENTS.

By Advocate :- N o n e.

O R D E R

Justice Anwar Ahmad, M[J] :- This OA has been filed by the applicant,  
Sikandar Ravidas, seeking the following reliefs :-

- “[i] The applicant humbly prays that the letter dated 20.07.2006  
[Annexure-A/3] may be treated as illegal and be quashed and set-aside.
- [ii] The applicant further prays that notification dated 08.08.2005  
[Annexure-A/1] may be treated illegal and be quashed as it is against  
the rule 215 of the Indian Railway Establishment Manual.
- [iii] Any relief/reliefs may be granted to the applicant for ends of  
the justice.”
2. The learned counsel for the applicant submits that the applicant  
confines his case to relief no. 8[i] only and does not press other reliefs. He

submits that the applicant was initially appointed as Junior Clerk on 13.02.1997 and promoted as Senior Clerk on 05.08.2004 in the pay scale of Rs.4500-7000/- and is working as such in the O/o the General Manager, E.C.Railway, Hajipur. He submits that the post of Personnel Inspector, Gr. III, having pay scale of Rs.5000-8000/-, is a selection post and promotion on this post is made by way of selection under 50% quota through written test. He submits that a notification dated 08.08.2005 [Annexure-A/1] was issued by the E.C.Railway, Hajipur for filling up the post of Personnel Inspector, Gr. III. The applicant belongs to scheduled caste community and as per the notification there is also a vacancy for the scheduled caste candidate. The applicant submitted his application through proper channel for the aforesaid post as he fulfilled all the eligibility criteria for the said post. The learned counsel submits that a list of 45 departmental candidates, including the applicant [appearing at sl.no.2 of the list], was prepared for appearing in the examination on 22.07.2006 and all of them were informed accordingly by a letter dated 30.06.2006 [Annexure-A/2]. All the Heads of the concerned candidates were directed to release them for the said examination on 22.07.2006. The applicant was surprised and shocked to receive a letter dated 20.07.2006 [Annexure-A/3] informing him that his candidature was cancelled as he did not fulfill the eligibility criteria I[v] prescribed in the notification. The learned counsel submits that the department has wrongly interpreted the eligibility criteria I[v] of the notification dated 08.08.2005 [Annexure-A/1]. He submits that the eligibility criteria no. I[iii] of the said notification will apply in the case of the applicant as the applicant was promoted in the pay

*W.M.*

scale of Rs.4500-7000/- on 05.08.2004 and appointed on 13.02.1997. So he submits that the applicant fulfilled the eligibility criteria as mentioned in the notification and hence debarring him from appearing in the examination is illegal. The learned counsel further submits that juniors to the applicant at sl.nos. 8 & 45 of the list dated 30.06.2006 [Annexure-A/2], who are Intermediate pass like the applicant, have been granted permission to appear in the written test. He submits that they are in the scale of Rs.4000-6000/- for more than five years and they are under criteria no. I[iii] of the notification like the applicant but the permission was illegally not granted to the applicant. He submits that the applicant has been denied his rightful claim to appear in the written examination to be held on 22.07.2006 for the post of Personnel Inspector. He submits that it is apparent that criteria no.I[iii] of the notification is clearly in favour of the applicant and as per this criteria the applicant was ~~to be~~ called for interview but with malice his candidature was cancelled. He, therefore, submits that the impugned order is illegal and be set-aside.

3. No one appears on behalf of the respondents. We have perused the written statement filed on behalf of the respondents.

4. The relevant eligibility criteria mentioned in the notification dated 08.08.2005 [Annexure-A/1] are as under :-

“            x            x            x            x

[iii] Staff in the grades next below the grade of Welfare Inspector i.e. those in grades Rs.4500-7000 [RSRP] and Rs.4000-6000/- [RSRP] with 5 years service in the respective grade on 01.08.2005 in case the higher grade does not fall in the normal line of advancement. Otherwise 5 years service together in these grades.

[iv] Staff in the grades Rs.4500-7000 [RSRP] and Rs.4000-6000/-

[RSRP] who are graduates irrespective of the length of service in these grades provided the staff concerned have successfully completed the probation in the respective grades.

[v] Staff in grades lower than the grade next below the grade of Welfare Inspector, i.e., those in grades Rs.3200-4900 [RSRP] and 3050-4590 [RSRP] who are graduates and who have completed not less than 7 years service on 01.08.2005 in the respective grade in case the higher grade does not fall in the normal line of advancement, otherwise, 7 years services on 01.08.2005 together in these grade.”

5. Admittedly, the applicant was appointed as Junior Clerk on 13.02.1997 having pay scale of Rs.3050-4590/- He was promoted to Senior Clerk in the pay scale of Rs.4500-7000/- on 05.08.2004. As such, he had completed about one year service on the post of Senior Clerk in the scale of Rs.4500-7000/- as on 01.08.2005. Prior to this scale, he was a Junior Clerk in the scale of Rs.3050-4590/-, and hence criteria No. I[iii] does not apply in his case as he has not completed five years service on the post of Senior Clerk in the pay scale of Rs.4500-7000/- So far as eligibility criteria no. I[v] is concerned, the applicant does not fulfill this criteria as he is Intermediate pass only. As such, eligibility criteria no. I[iii] & [v] do not apply in the case of the applicant.

6. The learned counsel for the applicant has referred the case of the candidates appearing at sl.no. 8 & 45 of the list annexed at Annexure-A/2. He submitted that these candidates are Intermediate pass like the applicant and were granted permission to appear in the written test. From the perusal of list of 45 candidates [Annexure-A/2] it appears that the candidate at sl.no.8 of the list is in the scale of Rs.4000-6000 from 21.10.1997 and the candidate at



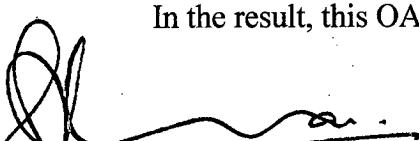
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OA 442 of 2006

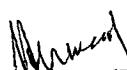
sl.no.45 is in the scale of Rs.4000-6000/- from 01.07.1998 and as such, they have completed more than five years service in the scale of Rs.4000-6000/- and hence in their cases eligibility criteria no. I[iii] applies. So, they had rightly been granted permission to appear in the examination.

7. Considering the facts and circumstances of the case, submissions of the learned counsel for the applicant, written statement filed on behalf of the respondents and the discussion made above, we are of the view that the applicant has rightly been refused permission to appear in the written test for the post of Personnel Inspector, Gr. III

In the result, this OA is dismissed with no order as to cost.



[Sudhir Kumar]/M[A]



[Anwar Ahmad]/M[J]

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