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Tr.No.328/87

N.P.Kohad

... Applicant

V/s

The General Manager,
Central Railway, Nagpur
and others

... Respondents

Appearances:

Mr.K.D.Gadpayle, for the applicant

Mr. P.S.Lambat for the respondents

ORAL JUDGEMENT:

Dated : 10.7.1991

(Per. U.C.Srivastava, V/C)

This application has come to the Tribunal by way of transfer under Section 29 of the Administrative Tribunals Act, 1985. Initially the applicant filed a writ petition before the Nagpur Bench of the Bombay High Court praying that he may be appointed to the post of Supervisor Enquiry and Reservation against the existing posts which are being filled in near future against the panel published in Railway Gazette dated 1.12.1981 and to declare that the panel published on 1.12.1981 is still operative till it is exhausted. The applicant belongs to Scheduled Tribe community and after change ^{from his} ~~of the~~ original cadre of Commercial Clerk to Reservation Cadre he was promoted to the post of Enquiry-cum-Reservation Clerk. In 1981 he was also called for a written test at Bombay for the post of Supervisor, ~~xxx~~ Enquiry and Reservation in the Researvation Department and he was found successful and called for personal interview and was finally selected. But no appointment was given to him. The grievance of the applicant is that two candidates who were selected viz. Shri G.S.Puvayya and Shri D.C.Mehatto were given appointments. According to him the panel is still operative and yet he has been

deprived of the said appointment ^{with} ~~to~~ the malafide intention. In this connection not only the applicant but the Union also raised the matter but with no result; that is why he was compelled to come to the law courts^t.

2. In the written reply it has been stated that the panel of 8 employees was formed on 22.10.1981. The name of the applicant was at No.8. This panel was published on 1.12.1981 and the panel was for non-metropolitan units viz. Pune, Bhusaval, Jhansi, Jabalpur, Nagpur and Solapur. The Railway Board decided to bifurcate the units as non-metropolitan and metropolitan on 30.6.1978 but vide their letter dated 23.6.82 they issued instructions to amalgamate both non-metropolitan and metropolitan units into one and prior to this amalgamation the three employees were promoted as ECRCs in different units prior to the receipt of Railway Board's letter. They were the said S/Shri G.S.Puvayya, D.C.Mehatoo and Ram Sewak. On receipt of Railway Board's letter the remaining portion of the panel was not operated as no vacancy arose till the amalgamation of these units as such the applicant could not get an appointment. The seniority of ECRC staff in different grades of both these units were integrated in terms of para 321 of IREM and therefore there is no violation of Article 14 of the Constitution of India. It has been further stated that ^{in terms of} the ~~said~~ directions contained in the Railway Board's ^u letter dated 20.12.83 employees who were eligible for one grade promotion were subjected ^{to} ~~for~~ selection ^{by modified procedure} i.e. suitability of such employees for promotion is determined on the basis of record of service without calling the employees to appear before the selection board. The applicant was promoted ~~from~~ with effect from 1.1.84 by adopting modified selection procedure. Therefore the allegation of the applicant that

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others were promoted without subjecting them to selection has been denied. In view of the facts stated above, ~~therefore that~~ undoubtedly the applicant's name was included in the panel but the panel came to an end according to the Railway Board's letter mentioned above, as a result of amalgamation of metropolitan and non-metropolitan units. The applicant was subsequently given the opportunity and was promoted. Obviously the grievance of the applicant has no way to stand. In view of what has been stated above, the application is dismissed with no order as to costs.

P. S. Chaudhuri

(P.S. Chaudhuri)
M (A)

U.C.

(U.C. Srivastava)
V/C