

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

O.A. No. 444 of 2008

Date of order : 5th Aug. 08

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Shri Amit Kushari, Member (A)

Gurmail Singh, S/o Late Sansara Ram, Sr. Section Engineer [Con] E.C. Railway, Danapur under Dy. Chief Engineer/Con., E.C. Railway, Danapur.

....Applicant

By Advocate : Shri M.P. Dixit

Vs.

1. The Union of India through the General Manager, E.C. Railway, Hajipur.
2. The Chief Administrative Officer [Con], E.C. Railway, Mahendru Ghat, Patna.
3. The General Manager [Personnel] E.C. Railway, Hajipur.
4. The Dy. Chief Engineer [Con] E.C. Railway, Danapur.
5. The General Manager [P] Eastern Railway, Kolkata.
6. The Principal Chief Engineer, Eastern Railway, Kolkata.

....Respondents

By Advocate : Shri B.K. Sinha

ORDER

S. Srivastava, M (J):- The applicant is aggrieved by the action of the respondents in not allowing him to appear in the written examination held on 8.1.2005 and 15.1.05, for promotion to the post of Group 'B' , Assistant Engineer against the 70 % quota.



2. The facts, in brief, are that the respondents have issued a notification for promotion to the post of Assistant Engineer Group 'B' under the 70 % quota and all eligible candidates were directed to submit their willingness for appearing in the said examination. The applicant has also submitted his willingness on 23.4.04 for appearing in the said selection. He was spared by respondent No. 4 for appearing in the written test scheduled to be held on 15.1.05. Accordingly, he appeared before respondent No. 3 on 15.1.05, but he was not allowed to appear in the said examination. Aggrieved by the aforesaid action, he has filed the instant OA.

3. The respondents have filed written statement stating therein that the applicant's lien is not maintained under the E.C. Railway, Hajipur, therefore, he is not permitted to appear in the aforesaid examination. Thereafter, they filed supplementary written statement and stated therein that the competent authority vide its letter dated 4.6.08 have informed the DRM, Mughalsarai that the lien of the applicant has already been fixed in Mughalsari Division, but inadvertently the concerned authority of Mughalsarai division failed to include the applicant's name in the seniority list prepared which may have occurred due to non-availability of the aforesaid letter dated 27.5.94. Now it has been decided by the competent authority that the lien of the applicant is to be maintained in Mughalsari division. In view of the letter dated 27.5.94 issued by CPO/ER/Kolkata and



necessary correction/corrigendum is being issued by interpolating the name of the applicant in the seniority list of Senior Section Engineer [P. Way]. Consequent upon such correction, if the applicant comes within the zone of consideration for promotion to the post of Assistant Engineer [AEN] Group ' B ' against 70 % quota and is empanelled in the next first selection, he will be extended the benefit of seniority at par with his junior so promoted earlier to the post of AEN on the basis of the person selection through the written examination dated 8.1.05 and 15.1.05 by the Railway Administration of E.C. Railway and a copy of the letter dated 4.6.08 has been given to the Chief Account Officer/Construction/EC Rly/Mahendrughat for sending service records and other details pertaining to the applicant for fixing his seniority in the cadre of Senior Section Engineer [P. Way] under Dy. CR/Construction/Danapur to Mughalsarai.

4. In view of the pleadings raised in the supplementary written statement, we are of the view that the grievance of the applicant has been met by the department. There is no doubt that the department has taken a considerable time in determining the lien and eligibility of the applicant for the promotional post. The delay caused is without any fault on the part of the applicant. Therefore, it is appropriate that the department meets out the grievance of the applicant as early as possible. However, the facts remains that the Tribunal is not required to give any direction to the department



except that the applicant should be considered for promotion as early as possible, in accordance with rules.

5. With these observations, this OA is disposed of without any order as to the costs.



[Amit Kushari] M [A]



[Sadhna Srivastava] M [J]

/cbs/

