

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
(CAMP: NAGPUR)

Original Application No: 95 of 1993

Transfer Application No:

DATE OF DECISION: 15th Sept., 1995

Rajaram Jogi Kore & 10 ors Petitioner

Mr. G.G. Modak Advocate for the Petitioners

Versus

U.O.I. & 4 ors. Respondent

Mrs. Anita Shinde Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P. Srivastava, Member (A)

1. To be referred to the Reporter or not ? No
2. Whether it needs to be circulated to other Benches of the Tribunal ? No

  
M(A) We

In the Central Administrative Tribunal  
Bombay Bench, 'Gulestan' Building No.6  
Prescot Road, Bombay-1

CIRCUIT SITTING AT NAGPUR

O.A.No.95/1993

Rajaram Jogi Kore & 10 ors. ..Applicants

V/s.

Union of India through  
Secretary, Ministry of Railways,  
Rail Mantralaya, New Delhi & 4 ors. ..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, V.C.  
Hon.Shri P.P. Srivastava, Member (A)

Appearance:

Mr. G.G.Modak  
counsel for applicants

Mrs. Anita Shinde  
counsel for respondents

JUDGMENT:  
(Per: P.P.Srivastava, Member(A))

DATED: 15 SEPTEMBER, 1995

The Applicants are Class IV employees of the Central Railway and had been declared suitable for the post of Second Fireman after selection in the year 1991. Their results were declared on 4.12.1991 but they have not yet been given by posting. The Respondents conducted an examination in 1992 for filling the vacancies of Assistant Driver, Diesel Assistant by calling Class IV employees who were matriculates. The result of this test was declared on 17.12.1992 (Annexure A-1). The applicants are aggrieved by this order and have approached the Tribunal for quashing Annexure A-1 and for a declaration that the applicants be promoted to the post of Diesel Assistant prior to those who have been posted as Diesel Assistant as per Annexure A-1. The Ld. Counsel for the applicants has submitted that the filling up of vacancies of Assistant Driver, Diesel



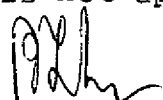
Assistant is required to be undertaken in terms of Railway Board Circular dated 16.7.1991 (Annexure A-2).

The main features of this circular are as under:

- "A- 50% of the vacancies shall be filled by lateral induction from amongst first firemen who are at least 8th class pass and are below 45 years of age, shortfall if any, by promotion by usual selection procedure from amongst second firemen who are 8th class pass and are below 45 years of age.
- B- Balance of the 50% of the vacancies shall be by lateral induction of matriculate first firemen with minimum 3 years continuous service, shortfall, if any, by promotion from amongst matriculate second firemen through departmental examination.
- C- Short fall, if any, against A & B above shall be made both by departmental examination from amongst matriculate cleaners with minimum 5 years continuous service.
- D- Short fall against C above shall be made good by lateral induction of skilled artisans (Diesel/ Electrical Fitters) subject to maximum of 20% of the vacancies.
- E- If still there is some shortfall, it shall be made good by direct recruitment through Railway recruitment board with minimum qualifications of matriculation + ITI in any of the specified trades or Diploma in Electrical or Mechanical or Electronics Engineering (in lieu of ITI). "


Counsel for the applicant submitted that since the applicants have been selected for the post of Fireman Gr.II they should be considered for promotion in terms of paras (A) & (B) of the circular quoted above.

2. Counsel for the Respondents submitted that the applicants do not fulfil the conditions laid down in paras A & B above and therefore cannot be considered for promotion to the post of Diesel Assistant in terms of the circular. A reading of the para (A) shows that 50% of the vacancies should be filled by lateral induction from amongst first firemen who are at least 8th class pass and are below 45 years of age and since the applicants are not first firemen it is obvious that this para (A) is not applicable to the applicants. Para (B) lays down



50% of the vacancies should be filled in by matriculates second firemen with minimum 3 years of continuous service through departmental examination. Since the applicants have not yet been posted as second firemen and do not have three years of service and as such Applicants except Nos. 4&9 are non-matriculates they do not fulfill the conditions laid down in this para also. According to the circular the shortfall, if any, against (A) & (B) is required to be filled in through a departmental examination from amongst matriculate cleaners with minimum 5 years of continuous service. The applicants have objected to filling up of the post of Diesel Assistant in terms of para C. In view of the fact that none of them is fulfilling the conditions laid down in paras A & B their challenge to the departmental examination held in terms of para C, the result of which was declared on 17.5.92 (Annexure A-1), does not survive. We find no infirmity in the action of the Respondents in holding a selection for matriculate Group D staff in terms of para C of Railway Board Circular dated 15.7.91 after filling the vacancies in terms of paras A & B as has been brought out by the respondents in their reply in para (f) on page 2.

3. In the result we find no merit in the present O.A. and the same is dismissed.



(P.P. Srivastava)  
Member (A)



(M.S. Deshpande)  
Vice Chairman