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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.979/90.

Date of Judgment 25-2-1991

1. M.Ramachander
2. S.R.Mallesh
3. P.Kushaliah
4. S.Raj Kumar
5. Amar Singh
6. T.S.Jaikumar
7. Archibald Wright
8. A.N.Prasad .. Applicants

Versus

1. Union of India
per General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.

2. Chief Workshop Manager,
Signal & Telecommunication
Workshops,
South Central Railway,
Mettuguda,
Secunderabad. .. Respondents

Counsel for the Applicants : Shri G.Ramachandra Rao

Counsel for the Respondents : Shri D.Gopala Rao,
SC for Railways

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) |

This application has been filed by Shri M.Ramachand

and 7 others against the Union of India per General M

South Central Railway, Rail Nilayam, Secunderabad

another under section 19 of the Administrative T

Act, 1985.

2. The applicants are working in high skil

in the Signal & Telecommunication Workshops(STW)

Secunderabad. Two posts of Chargeman 'B' grade fell vacant in the year 1987 and all the applicants are eligible for promotion against the two posts after a process of Limited Departmental Competitive Examination (LDCE). The respondents issued a notice dated 30.5.88 inviting applications from eligible candidates for the LDCE. The applicants herein applied for the same. The examination was postponed and [redacted] by another notice dated 18.5.90 the respondents again invited applications in the light of a decision of this bench as well as certain clarifications issued by the Railway Board. By this, the number of eligible candidates which was earlier 10 had become 16. The proposed examinations were not held and [redacted] by a third notice dated 7.9.90 the respondents again invited applications enlarging further ~~widening~~ the eligibility conditions. By this exercise the list of eligible candidates which had already risen from 10 to 16 further rose to 28. The examination was finally to be held on 8.2.81. The applicants are aggrieved that by successive notifications the respondents had altered the eligibility conditions and had widened the area of competition from 10 to 16 and then to 28 against just two vacancies which arose in 1987. They have prayed that the list of eligible candidates be confined only to the applicants herein (only 8 in number) and to decline the charges.

3. The application is contested by the respondents. It is their case that though they had la

eligibility conditions in their first notice dated 30.5.88 certain doubts arose and a reference was made to the Railway Board ^{which} who issued a clarification and it is in the light of this that they had called for applications for the second time on 18.5.90. Fresh doubts arose and again after obtaining a clarification from the Railway Board they issued the third notice dated 7.9.90. It is their case that the Railway Board has got enough powers to alter the eligibility conditions for the LDCE.

4. We have examined the case and heard the learned counsels for the applicants and the respondents. The learned counsel for the applicant argued that the vacancies related to the year 1987 and whatever eligibility conditions were applicable at that point of time ^{alone} can be applied and ~~not~~ relaxation of eligibility conditions which arose after 1987 should not be applied to these vacancies of 1987. While the applicants are already aggrieved that the number of candidates had risen from 10 to 16 it had further risen to 28 by making more candidates eligible through a Trade Test being held for the purpose of fulfilling the eligibility conditions. We have compared the three relevant notices dated 30.5.88, 18.5.90 and 7.9.90. The only difference between the first and second notices that hurts the applicants is the opening of the test to semi-skilled artisan staff reclassified as skilled without the Trade Test provided they have passed the test for the skilled grade in a Cognate Trade.

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notice dated 7.9.90 the respondents referring to the two earlier notices stated that the upgraded skilled artisans in the non-Cognate Trade if they have completed 3 years of service in the skilled grade would be eligible if they pass the Trade Test for skilled grade in the relevant Cognate Trade. They also indicated that such candidates should pass the Trade Test being ordered for this purpose.

5. The learned counsel for the applicants had cited the Supreme Court decision reported vide A.I.R. 1990 (SC) 405. We have seen that judgment of the Hon'ble Supreme Court which holds that statutory recruitment rule cannot be modified with retrospective effect. In the case before us there were certain eligibility conditions pertaining to the year 1987 when the vacancies had arisen. Only those conditions should be applied for filling up the vacancies. After issuing the notice on 30.5.88 a doubt arose whether more candidates would be eligible who fulfilled the conditions relating to the year 1987. We find from the circular No.E(P&A)/I-82/JC/1 dated 13.11.82 that the Railway Board had done certain reclassification and in accordance with that a number of semi-skilled staff were brought within the category of skilled staff. However, they were not required to pass any Trade Test. Some of them appear to have passed Trade Test for skilled grade in a Cognate Trade. The purpose of the 18.5.90 notice was to bring with eligibility net such reclassified skilled staff. We do not see anything wrong in such inclusion left out earlier. However, those who fulfil the

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conditions subsequent to the cut off date should not be brought within the eligibility net for the two vacancies of 1987. The third notice dated 7.9.90 attempts this, by ordering a Trade Test just to meet the eligibility conditions. We do not approve of this. We, therefore, direct the respondents not to go beyond the eligibility conditions stipulated in their notice No.75782/LDCE/Est. dated 18.5.90. We, however, do not agree to the prayer of the applicants to restrict the examination only to the 8 applicants herein. The application is disposed of thus with no order as to costs.

MS
(J.Narasimha Murthy)
Member(Judl).

R.Balasubramanian
(R.Balasubramanian)
Member(Admn).

Dated

25th February 91 *R.Balasubramanian*
Deputy Registrar (Judl)

To

1. The General Manager, Union of India, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Workshop Manager, Signal & Telecommunication Workshops, S.C.Railway, Mettuguda, Secunderabad.
3. One copy to Mr.G.Ramachandra Rao, Advocate, 3-4-498, Barkatpura, Hyderabad.
4. One copy to Mr.D.Gopala Rao, SC for Rlys, CAT.Hyd.Bench.
5. One copy to Hon'ble J.Narasimha Murty, Member(J)CAT.Hyd.
6. One copy to Hon'ble Mr.R.Balasubramanian, Member(A)CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

Dated: 25 - 2 - 1991.

ORDER / JUDGMENT:

M.A. / R.A. / C.A. NO.

in

T.A. No.

W.P. No.

O.A. No.

979/90

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs. DESPATCH

