

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.



R.A. 6/95

In

O.A. 931/92

Between:

General Manager, S.E.Railway,
Calcutta & 2 Others.

... Applicants
Respondents.

AND

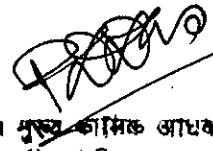
T.Dwarakanath and Another

... Respondents
Applicants.

AFFIDAVIT FILED BY 3RD APPLICANT

1. I, P.D.Das Son of Ramdayal Das, aged 44 years, Occup: Govt. Service, R/O S.E.Railway Colony, Calcutta, do hereby solemnly affirm and state as follows :-
2. That, I am working as Deputy Chief Personnel Officer(Gaz) in the office of the 1st applicant herein and Respondent No.3 in the a-bove O.A. as such I know all the facts of the case. I am filing this Misc. Application in R.A. of 1995 for myself and on behalf of the applicants 1 and 2 herein as I have been authorised to do so.
3. The Respondents filed an application bearing O.A. No.931/92 in the Hon'ble Tribunal, Hyderabad praying for cancellation of the panel for the post of AME(Loco) AME(C&W) and AWM against 25% published under letter No.DCPO(G)/CON/58/LOE/3/Pt.V dt.16.9.92 and also sought for fresh Viva-Voce on the ground of irregular composition of selection committee during Viva-Voce. (copy of letter dt.16.9.92 enclosed as Annexure R/I).

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प.ड. दास (रज.पा.)
Deputy Chief Personnel Officer (Gaz)
इ.पा.रो.ग. ८०८८६४
१०८, Garden Reach

4. The present applicants filed reply contending inter-alia that the said 'Selection Committee' was formed in accordance with the instructions contained in Para-3 of the Rly. Bd's letter No. E(GP)/86/1/23 dt. 18.6.87.

5. The Hon'ble Tribunal, Hyderabad passed judgement on 5.4.95, the operative part of which is as under:-

"As CPLE(M), though is head of one of the department, works under CME who is the Principal Head of the department and as the CPLE(M) is controlled by CME, the contention for the applicant that CPLE(M) is subordinate to CME has to be upheld. As such the panel prepared by the said selection committee is liable to be set-aside.

But as the empanelled candidates who were promoted are working from about $2\frac{1}{2}$ years, it is just and proper to pass the following orders:-

The General Manager, S.E.Rly.(R.I) has to constitute a fresh selection committee in regard to AME(Loco) in accordance with para-3 of the Rly. Board's instructions governing promotion from Group-'C' to Group-'B' cadres in No.E(GP)86/1/23 dt.18.6.87 by keeping in view the instructions which are to the effect that no member of the selection committee should be subordinate to another member of that selection committee. Of-course, it is open to the General Manager to nominate either Principal Head of the Department or the Head of the Department, but in view of the instructions of the Railway Board that no member of the selection committee should be subordinate to another member of that selection committee, it is not open to the General Manager to nominate Principal Head of the Department and Head of the Department in the same department as Members of the same selection committee.

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कामिनी अधि. १३ (८१०७५०)
कामिनी अधि. १३ (८१०७५०)
कामिनी अधि. १३ (८१०७५०)

Person
राज्य रेलवे अधिकारी (लिंग.)
०७ लिंग प्रौद्योगिकी विभाग
दगोर रेलवे, कलकत्ता-७०००४३
Railway, Calcutta-700043

6. The selection committee to be constituted in accordance with this order has to interview all the candidates who were interviewed in the selection committee that was already constituted.

7. There will not be any need to further amend the panel that was already prepared by selection committee that was earlier constituted, if the selection committee to be constituted as per this order also empanels them in the same order. But if they empanel them by altering placements, it is necessary that their placements also have to be altered.

Ofcourse, if the selection committee constituted empanels some other candidates instead of the candidates already empanelled then a fresh panel has to be prepared accordingly and those who were newly included in the panel have to be promoted from the dates on which the respective juniors were promoted with all monetary benefits and seniority and those who were already included in the panel with reference to the loco group do not find a place in the panel to be prepared, they have to be accommodated by creation of supernumerary posts if necessary without reverting them."

(copy of the judgement is enclosed as Annexure R-II).

That it is respectfully submitted by the applicant herein that the ~~final~~ findings of the Ld. Tribunal in para-6 of the said judgement dt.5.4.95 are not factually correct and the said findings have resulted in error, since nowhere in para-3 of Rly. Bd's instructions governing promotion from Group-'C' to Group-'B' cadres in No. E(GP)86/1/23 dt.18.6.87 it is mentioned that the committee members should not be subordinate to another member of the same department. Further more it is submitted that there is no other specific instructions of the Rly. Bd. that no member of the Selection Committee should be

subordinates to another member of that Selection Committee.
Copy of the BoI's letter of 18.6.87 is enclosed as Annexure-R-III

That the applicant herein submits that the judgement

४० कामिन अधिकारी (रा० ४०)
Dr. P. K. Patel (M. A. (G. I.))
३० रु० २०० ग्र. ५०० रु०

रेलवे कार्यकारी अधिकारी (प्राप्ति)
Chief Personnel Officer (Pw)
रेलवे, कलारू-700043
Railway, Calcutta-700043

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dt. 5.4.95 is required to be reviewed by the Hon'ble Tribunal on the following grounds:-

G R O U N D S

For that there are errors on the apparent on the face of the records so far as the findings arrived at by the Hon'ble Tribunal vide their judgement dt. 5.4.95 relying on Bd's circular No. E(GP)86/1/23 dt. 18.6.87 for the purpose of coming to the conclusion that no member of the selection committee should be subordinate to any other member of that selection committee and as such it is expedient in the interest of the justice that the said judgement is required to be reviewed.


Deponent.

Sworn and signed on this
the day of 1995
at Calcutta.

मेरा नाम वासिक लालकरण (गाजट)
Mr. Chief Personnel Officer (Gaz)
दूर्यो रेलवे, कलकत्ता-700043
S. E. Rly. Garden Reach

Before me.


Attestor.

मेरा नाम वासिक लालकरण (गाजट)
Mr. Personnel Officer (Gaz)
दूर्यो रेलवे, कलकत्ता-700043
S. E. Rly. Garden Reach