

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
O.A.No.523/93 Date of order: 17/5/2000

Shashi Kant Sharma, S/o Ram Swaroop Sharma, Sr.Khallas, Telecommunication, W.Rly, Gangapur City (Kota Division).

...Applicant.

Vs.

1. Union of India through the General Manager, W.Rly, Churchgate, Mumbai.
2. Sr.Divisional Signal & Telecommunication Engineer(Estt.) W.Rly, Kota Division, Kota.

...Respondents.

Mr.S.C.Sethi - Counsel for the applicant.

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this original application under Sec.19 of the Administrative Tribunals Act, 1985, applicant makes the following prayers:

- (i) to direct the respondents to declare the result of the written test held on 13.4.91;
- (ii) In case the applicant is declared as not qualified in the written test held on 13.4.91, the respondents be directed to include his name in the eligibility list Annx.Al and allow the applicant to appear in the selection test to be held for the post of Inspector Telecommunication scale 1400-2300(RP) against 20% quota/ of direct recruitment.
2. In brief facts of the case as stated by the applicant are that he is working as Sr.Khallas under Inspector Telecommunication, Gangapur City. It is stated that to fill-up 20% post of Inspector Telecommunication scale 1400-2300 by direct recruitment among the serving railway employees, respondent No.2 invited applications. The applicant also submitted his application and appeared in the written test conducted on 13.4.91 but the result of the test has not been declared so far. It is stated that another list of eligible candidates was issued on 22.1.92 but in that list the name of the applicant was not included. The applicant complained against the said irregularity but with no result. It is stated that the result of the written test conducted on 13.4.91 was not declared and another notice was issued by respondent No.2 calling applications for selection for the post of Inspector Telecommunication against 20% quota and the

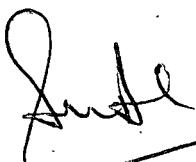
applicant also applied within the prescribed period but the name of the applicant was not included in the list of eligible candidates because of malice towards the applicant. The applicant filed representation but the respondents are bent upon to hold the selection without giving chance to the applicant. Therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. It is admitted in the reply that selection on the post of Inspector Telecommunication was to be done 50% by direct recruitment by the Railway Recruitment Board, 20% by induction of apprentices among maintainers possessing the qualification of Matriculation with 3 years experience and having the age of 45 years and 30% by promotion through selection from Maintainers. It is stated that result of the test conducted on 13.4.91 was declared on 14.11.91 and copy of the same was also placed on the notice board for information. It is further stated that the applicant was not eligible according to para 148 of IREM. The qualification prescribed for the said test according to para 148 IREM is - one must be working as maintainers and must have 3 years or more experience as maintainer and have passed Matriculation. He must also be below the age of 45 years. It is stated that the applicant did not fulfil these conditions, therefore, his name was not included in the list of eligible candidates and this O.A having no merit is liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

5. On the perusal of the reply filed by the respondents, it is abundantly clear that the result of the test conducted by the respondents have already been declared on 14.11.91 and the same was placed on the Notice Board. On a perusal of Annex.R1, it is also clear that in the written test held on 13.4.91 and 19.9.91, none of the candidates have qualified in the written test, therefore, on the basis of the evidence produced by the respondents, it is abundantly clear that the result of the written test conducted on 13.4.91 has already been declared, therefore, the applicant is not entitled to the relief as mentioned above.

6. As regards other relief, para 148 of IREM provides that: "148(1). The vacancies in the category of Telecommunication Inspector Grade III in scale Rs.1400-2300 will be filled as under:



(i) 50% by direct recruitment through the Railway Recruitment Boards;

(ii) 20% by induction of intermediate Apprentices from amongst Maintainers possessing the qualification of Matriculation with three years service and below 45 years of age; and

(iii) 30% by promotion by selection from Maintainers in the immediate lower grade."

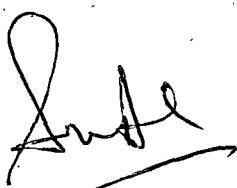
7. According to this provision, an employee to make him eligible for the test/post of Inspector Telecommunication, he must be working as Maintainer and must have 3 years or more experience on the post, he must be matriculate and should not have completed the age of 45 years. In the reply, the respondents have stated that the applicant is not fulfilling the criteria as laid down in para 148 of IREM, therefore, the name of the applicant was not included in the eligibility list so prepared for the test.

8. The learned counsel for the applicant has argued that earlier in the eligibility list prepared for the test conducted on 13.4.91, name of the applicant was included in the eligibility list but now the applicant is denied to include his name in the eligibility list, therefore, the denial is arbitrary and unwarranted.

9. Although name of the applicant was included in the eligibility list for the test conducted on 13.4.91 but para 148 of IREM, it is abundantly clear that 20% vacancies in the category of Telecommunication Inspector Gr.III Rs.1400-2300 (RP) will be filled-up by induction of intermediate apprentices from amongst maintainers possessing the qualification of Matriculation with 3 years service and below 45 years of age. If the applicant fulfills the above conditions, then only his name can be included in the eligibility list for the selection test to be conducted for the post of Telecommunication Inspector Gr.III.

10. On the basis of foregoing we can only say that if the applicant fulfills the conditions for eligibility as mentioned in para 148(1) IREM then only he is entitled to include his name in the eligibility list prepared for selection for Inspector Telecommunication Gr.III.

11. We, therefore, allow the O.A to the extend that if the applicant fulfills the eligibility criteria as laid down in para 148 of IREM, he may file a representation within one month from the date of passing of this order to the competent

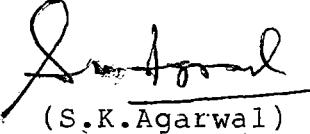


authority who will dispose of the representation so filed by the applicant, within two months from the date of receipt of the representation, by taking a decision whether the applicant is entitled to include his name in the eligibility list for selection on the post of Inspector Telecommunication Gr.III, scale Rs.1400-2300 (RP).

12. With the above direction, the O.A is disposed of with no order as to costs.


(N.P.Nawani)

Member (A).


(S.K.Agarwal)

Member (J).