

30/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 334/2001

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SECTION OFFICER (Judl.)

## FORM NO. 4

( See Rule 42 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :::: GUWAHATI.

## T ORDER SHEET

Original APPLICATION NO. 334 OF 2001APPLICANT (s) Pranlal Kant RoyRESPONDENT (s) U.O. I. FormADVOCATE FOR APPLICANT(s) A.K. Soraani, Mrs A. TalukdarADVOCATE FOR RESPONDENT(s) S. D. Senapati  
Rashid Ali, Counsel

## Notes of the Registry

dated

## Order of the Tribunal

28.8.01

The application is admitted. Call  
for the records. Returnable by 4 weeks  
List on 28/9/01 for order.

This application is in form  
but not in time coordination  
Petition is filed. Filed vide  
M.P.N. X C.F.  
for Rs. 50/- deposited vide  
IPO/BD/No 7G 548635

Dated.....

14-8-2001

ABR 23/8/01  
Up. Registered  
R.S.

Vice-Chairman

Heard Mrs. A.Talukdar, learned  
counsel for the applicant and also Mr. S.Sen-  
gupta, learned Rly. Standing counsel.Mr. Senapati, learned Rly. counsel  
sought for four weeks time to file written  
statement.

List on 21/11/01 for order.

K.C. Ushar

Vice-Chairman

mb  
21.11.01The respondents are yet to file  
written statement. Mr.S.Sarma, learn-  
ned counsel appearing for Railway  
sought for time to file written  
statement.List on 13/12/01 for written  
statement.

K.C. Chauhan

Vice-Chairman

① Service report are  
still awaited.

24.9.01

Nb. written statement has  
been filed.

25.11.01

No. written statement  
has been filed.

13.12.01

Four weeks time is allowed to the  
respondents to file written statement.

List on 18.1.02 for order.

3/3  
12.12.01

No. written statement  
has been filed.

3/3  
17.1.02

mb

18.1.02

Two weeks further time is allowed  
to the respondents as a last chance to  
file written statement.

List on 4.2.2002 for order.

No. written statement  
has been filed.

3/3  
17.2.02

mb

4.2.02

List on 27.2.2002 to enable the  
respondents to file written statement.

IC Usha  
Member

Vice-Chairman

IC Usha  
Member

Vice-Chairman

mb

27.2.02

Post the matter for hearing on  
2.4.2002. The applicant may file, rejoin-  
der, if any, within three weeks from  
today.

IC Usha  
Member

Vice-Chairman

mb

30/4. Deveshwar Singh did not get today.  
The case is adjourned to 6.5.2002.

Phy  
16/4  
30/4

6.5. Heard Mr. A. A. Gopinath, learned Counsel  
for the applicant & Mr. S. S. Gupta, learned  
Counsel for the respondent (Rly).

Hearing Concluded.  
Judgment reserved.

Phy  
A. A. Gopinath  
6/5

3/3. 2002

A reply filed by the  
applicant against the  
W/S filed by the respondents.

3/3

Notes of the Registry	Date	Order of the Tribunal
	8.5.02	Put up on 13/5/2002 in presence of Mr. S. Sengupta, learned Railway counsel
		<i>IC Usha</i> Member
		<i>[Signature]</i> Vice-Chairman
	mb	
	13.5.02	Records have been produced. List on 15.5.2002 in presence of the learned counsel for <del>both</del> both the parties, for further hearing.
		<i>IC Usha</i> Member
		<i>[Signature]</i> Vice-Chairman
	mb	
	<u>15.5</u>	Heard Mr. A. K. Gopwani, Learned Counsel for the applicant & Mr. S. Sengupta, Learned Counsel for the Respondent, Hearing Concluded. Judgment reserved, <i>By A. K. Gopwani (S)</i>
ed judgment 21.5.2002 in 8A 334 (2001) (P.K. 84) Call Advise 30/5/2002	21.5.02	Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.
		<i>IC Usha</i> Member
		<i>[Signature]</i> Vice-Chairman
	mb	



CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./~~xx~~ NO. . . . 334 . . . of 2001.

DATE OF DECISION 21.5.2002.

**Sri Pradip Kanti Roy**

APPLICANT(S)

**Sri A.K. Goswami**

ADVOCATE FOR THE APPLICANT(S)

VERSUS -

**Union of India & Ors.**

RESPONDENT(S)

**Sri S. Sengupta, Railway counsel**

ADVOCATE FOR THE  
RESPONDENTS.

**THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN**

**THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble **Vice-Chairman**

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 334 of 2001.

Date of Order : This the 21st day of May, 2002.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Pradip Kanti Roy,  
C/o Nanigopal Roy,  
Dy-CE/Con/SCL/N.F.Rly,  
P.O. R Tarapur, Silchar-3,  
Dist. Cachar, Assam.

. . . Applicant

By Advocate Sri A.K.Goswami.

- Versus -

1. Union of India,  
represented by the Secretary,  
Ministry of Railways, Govt. of India,  
New Delhi-1.

2. The Chairman,  
Railway Recruitment Board,  
Station Road, Guwahati.

3. General Manager(P),  
N.F.Railway,  
Maligaon, Guwahati-11.

. . . Respondents.

By Sri S.Sengupta, Railway standing counsel.

O R D E R

CHOWDHURY J.(V.C)

This application under Section 19 of the Administrative Tribunals Act 1985 has arisen and is directed among others against the Notice dated 9.3.2000 issued by the General Manager(P), N.F.Railway directing the applicant to show cause as to why the candidature as well as induction into the Railways to post of Apprentice Mechanics should not be cancelled. The applicant also sought for a direction on the respondents to provide him posting as Apprentice Mechanics.

2. The basic facts relevant for the purpose of adjudication are as cited below -

The Railway authority vide Employment Notice No.1/96 invited applications from diploma holders interalia for a few

posts of Apprentice Mechanics (DSL/Mechanical) vide memo dated 20.5.96 and the same was re-advertised. The closing date of submission of applications was 31.5.1997. The qualification for the post of Apprentice Mechanic i.e. Category 20 of the advertisement was Diploma in Mechanical Engineering. The applicant submitted his applications for the post of Apprentice Mechanic (DSL/Mechanical) in pay scale of Rs.1400-2300/- against the Employment Notice No. 1/96, Category No.20. on 30.5.97 with a provisional certificate from the Principal, Silchar Polytechnique, Meherpur, District Cachar, Assam which mentioned that the applicant appeared in Term-VI/Back final Diploma examination from the Institute in June 1995. Call letter cum Admit Card for written & test was sent to the applicant stating 31.8.97 as the date fixed for written test. On the strength of the result of the written test call letter for viva voce test held on 10.3.98 was also sent vide notice dated 21.2.98. The applicant was empanelled for the post and thereafter sent for undergoing training at Training School, New Bongaigaon alongwith other selected candidates for the post of JE/II/D/M. An office order was issued indicating the fact that the applicant was found medically fit in Class B I for appointment as Apprentice Mechanic with effect from the date of report to Principal Supervisor's Training Centre, New Bongaigaon on stipend of Rs.4500/- per month in the scale of Rs.4500-4625/- plus allowances as admissible under existing rules to undergo 1½ years training course. The concerned authority according advised the applicant. On completion of his training the applicant was spared by the Institute with effect from 28.2.2000 and directed for further posting. According to applicant he reported the

authority for further posting and submitted the certificate of completion of training. While things rested as such the impugned ~~is~~ show cause notice dated 9.3.2000 was issued. The full text of which is re-produced below :

"Railway Recruitment Board/GHY vide Employment Notice No.1/96 invited application from the Diploma holders to fill up few posts of Appr.Mechanics (DSL/Mechanical) and against the said notification you had submitted/sent your candidature for the said post. The last date for submission of application was 31.5.97 and condition of eligibility at NB(ii) was as under :-

'The candidate must have acquired the essential qualifications as laid down at the time of submission of application. Candidates who have yet to appear at the examination and whose results are withheld or not declared are not eligible to apply."

On a complaint received by this Railway inquiry was made and it revealed that on the last date of submission of application you had not acquired Diploma in Mechanical Engineering from the recognised Institution and you passed the same in Aug/97 and collected your Diploma Certificate and mark sheet on 4.8.97.

From the above it is very much clear that on the last date of submission of application to RRB/GHY you were not eligible for the post of Appr.Mechanic (DSL/Mechanical) as per the notification and thus please show cause why your candidature as well as your induction on the Railway will not be cancelled on the basis of the above facts. Your reply should be submitted within 3 days from the date of receipt of this notice."

The applicant submitted reply to the show cause notice and prayed before the authority for appointing him with the Railway. Failing to get response the applicant moved this O.A. for appropriate direction for appointment.

3. The respondents submitted its written statement denying and disputing the claim of the applicant. The respondent in its written statement referring to the Employment Notice and also to the guidelines prescribed in the notification had particularly referred to the following clause in the notification :

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"The candidates must have acquired the essential qualifications as laid down at the time of submission of the application. Candidates who have yet to appear at the examination or whose results are withheld or not declared, are not eligible to apply."

The applicant was not eligible as such but he applied. The deficiency escaped the notice of the Scrutinising officer engaged on the job at the Railway Recruitment Board's office. Inadvertently call letter was issued and the applicant was empanelled provisionally. Complaint was received by the vigilance organisation of the Railway in regard to eligibility of the candidate for the post and during investigation the applicant also admitted the fact that he submitted the diploma pass certificate at the time of viva voce test and at the time of submission of application to Railway Recruitment Board it was mentioned in the application that he had appeared in the final year examination of the diploma course in Mechanical Engineering and in support of the same he submitted the certificate issued by the principal, Silchar Polytechnique. The respondents contended in the written statement that it was very much known to the applicant right from the beginning that he was ineligible to apply with eyes open deliberately for the post but he applied and due to inadvertence it had escaped notice of the authorities and he was mistakenly selected. It was also asserted that the selection of the applicant and the action on their part to send the applicant for training based on wrong premises and the Railway administration could not be bound to validate the irregularities in public appointment, where public interest were also involved. It was specifically asserted that as per the conditions mentioned in the Employment Notice the candidates were to possess the diploma on 31.5.97. But in the instant case the applicant acquired diploma on 4.8.97 which

clearly indicated that the applicant was not qualified to apply for the post. The respondents also averred that while dealing with the mass of applications, which were quite in large numbers somehow the flaw or blemish in the application of the applicant escaped notice and considering all aspects of the matter the respondents decided to correct the mistake as a single mistake in public appointment. It was stated and contended that the respondents authority made offer of appointment and did not give guarantee or promise of employment. In the written statement it was contended that the applicant acquired diploma only after closing date for submission of the applications and the aforesaid deficiency was a substantial defect. The applicant passed his final examination diploma in Mechanical Engineering on 4.8.97. Referring to the codal provisions the respondents contended that mere inclusion of name in the panel did not entitle the candidates for claiming appointment. The respondents particularly referred to Rule 113 and 114 of the IREM, which are re-produced below :

\*113. The names of successful candidates who are recommended by the Railway Recruitment Boards or selected by the Railway Admn. themselves for appointment on Indian Railways will be exhibited on notice board, in the Recruitment Board's office, Employment Exchange concerned and published as "news item" in the newspapers free of cost as also by the Railway administration in their Divisional and Headquarters offices. Selection of candidate by a Board or a Railway administration is, however, no guarantee of employment on the railway which is subject to his qualifying in the prescribed medical examination and to his being otherwise suitable for service under Government.

114. Power to relax or modify rules - The General Manager or the Chief Administrative Officer, may, in special circumstances and for reasons to be recorded in writing relax or modify these rules in specific individual cases. They can also issue

orders for deviations from these rules in respect of certain categories or on certain occasions provided such relaxations are purely on a temporary basis. Railway Board's prior approval is however, required to long term or permanent alteration of the rules.

This power should be exercised by the General Manager or his Chief Personnel Officer, or the Chief Administrative Officer, personally; but it shall not be otherwise redelegated."

It was also mentioned that the matter was further considered by the Railway Board and Railway Board also by its communication dated 14.9.2001 declined to accept the proposal of the Railway authority and held that the candidate did not possess the requisite qualification as mentioned at the time of applying for the post.

4. Mr A.K.Goswami, learned counsel appearing for the applicant questioning the action of the respondents submitted that the respondents authority without any lawful justification refusing him to post the applicant despite the fact that he was selected for the post and thereafter sent for training, which he also successfully completed. The learned counsel submitted that there was no suppression on the part of the applicant and he clearly mentioned in the application that he cleared all but one paper of the final examination prior to 1997 and appeared in one back subject in March, 1997. The applicant submitted his application with necessary particulars. The authority scrutinised his application and thereafter call letter cum admit card for written test held on 31.8.97 was issued. On the basis of the written test the applicant was called for viva voce test which was held on 21.2.98 indicating the roll number of the applicant. The authority found the applicant suitable and empanelled him provisionally for the post. After empanelment the applicant

was sent for medical test and when he was found medically fit for appointment as Apprentice Mechanics he was appointed as such vide order dated 27/28.8.98. The applicant also completed the training and thereafter he was spared from training and the Principal forwarded his case for posting. The learned counsel submitted that these are all deliberate acts. The learned counsel submitted that whatever deficiency noticed in the application at the initial stage might have been presumed to be condoned and relaxed by the conduct of the respondents. It would be unjust and unlawful to deny the applicant the benefit of his appointment for no fault of his own. Mr. S. Sengupta, learned Railway standing counsel appearing for the respondents on the other hand vehemently opposing the application contended that a person who acquired the necessary qualification subsequently could not have been considered at all. The learned counsel submitted that an advertisement or notification issued calling for applications and getting selection from that process did not confer any right to a candidate. It would have been unlawful for the authority to appoint the applicant circumventing the set rules despite his ineligibility. Mr. Sengupta in support of his contention referred to the decision of the Supreme Court in Ashok Kumar Sharma and another vs. Chander Shekher and another, reported in 1993 Supp (2) SCC 611 and subsequently decision on the same issue raised in the Review Petition in Ahok Kumar Sharma and another Vs. Chander Shekhar and another, reported in (1997) 4 SCC 18.

4. The basic facts are not disputed. On the closing date of submission of applications on 31.5.1997 the applicant did not possess the Diploma in Mechanical Engineering. The applicant appeared in Term-VI/Black final Diploma Examination

JM

in June 1995. He passed the final examination of Diploma in Mechanical Engineering in August 1997. As per the Employment Notice the applicant though not eligible to apply, but his application was processed, Call Letter-cum-Admit Card for written test was sent. He was also called for the viva-voce test and empanelled for the post. The materials on record indicated that the applicant was selected for the post of Apprentice JE/II/DM against SC quota and his merit position was 26, the last position of the selected panel. Due to inadequate vacancies in Diesel Wing he was appointed in Workshop Wing and directed to undergo training vide letter dated 28.8.1998. On completion of the training the applicant reported for posting on 29.2.2000. Since there was a vigilance case against the applicant his posting order was not finally issued. Instead, the impugned show cause notice dated 9.3.2000 was issued to which the applicant replied. There was correspondence between the N.F. Railway and the Railway Board. The N.F. Railway was awaiting for approval for the final appointment of the applicant as JE II. Before completion of the training the Hon'ble Union Railway Minister was also moved through the Hon'ble Member of Parliament for posting at a particular Station. The Ministry of Railway sent a copy of the representation to the N.F. Railway for detained comments from all concerned vide Memo dated 28.1.2000. The Railway Ministry also sent reminders to the Railways to forward the comments. The N.F. Railway by communication dated 12/17/4.2000 informed the Railway Board about the enquiry conducted by the vigilance organisation showing that the applicant was ineligible to apply for the post as per the notification made by the Railway Recruitment Board and a reference on the issue in

regard to the applicant's eligibility was made to the Board for their approval. The case was further pursued from different corners. As pointed out earlier the applicant was asked to show cause why his induction to the Railways would not be cancelled on the basis of the facts mentioned in the notice. The applicant replied to the same. By communication dated 27.3.2000 the N.F. Railway sought for approval of the Railway Board. Alongwith the said communication a copy of the show cause notice served on the applicant as well as the reply submitted by the applicant and the certificate issued by the Principal, Silchar Polytechnic on the basis of which the Railway Recruitment Board permitted him to sit for the written examination was also sent. As referred to earlier, reminders were also sent to the Railway Board and the Railway Board by communication dated 14.9.2001 informed the General Manager (P) that since the candidate did not possess the requisite qualification as mentioned in the notification at the time of applying for the post the Board declined to agree to the porposal for the appointment.

5. From the facts it thus emerges that the applicant though not eligible as per the employment notice his application was entertained. He was asked to undergo the process of selection and finally he was selected and sent for completion of the training. Mr. A.K. Goswami, learned counsel for the applicant, strenuously referred to the conduct of the Railway Authority and submitted that the applicant though did not fulfil the eligibility criteria at the first stage, the respondents by allowing him condoned the eligibility criteria. so far the applicant was concerned. The learned counsel referring to Rule 114 of the Indian

Railway Establishment Manual Volume I, submitted that the authority had the power to relax the rules in specific and individual cases and by their conduct it was seemingly done.

6. We have given our anxious consideration on that aspect of the matter and perused Rule 114 of the aforementioned Manual. The rule contemplated that the General Manager or the Chief Administrative Officer, may, in special circumstances and for reasons to be recorded in writing, relax or modify the rules in specific individual cases ..... We feel that relaxation is not a matter of course. Such relaxation requires overtact, some form of deliberation that too, only in special circumstances and for reasons to be recorded in writing. No special circumstances is discernible, nor any reasons, not to speak of recording in writing are discernible. The matter relates to public power and such power can be exercised only on consideration of the public purpose and public interest. Exercise of public power in constitutional democracy is required to be guided by rules and reasons. We also took note of the maxim, "communis error facit jus" - "common error may sometimes be passed as current as law". Law favours the public good. But then, it will be too dangerous to apply such doctrine in the matter of blatant infraction of the policy of appointment. Law is clarified by the Apex Court. The legal policy pronounced by the Supreme Court is discernible from the following paragraph in the review petition of Ashok Kumar Sharma and others Vs. Chander Shekhar and another, reported in (1997) 4 SCC 18 :

" The review petitions came up for final hearing on 3.3.1997. We heard the learned counsel for the review petitioners, for the State of Jammu & Kashmir and for the 33 respondents. So far as the first issue referred to in our Order dated 1.9. 1995 is concerned, we are of the respectful opinion that majority judgment

(rendered by Dr. T.K. Thommen and V.Rama-swami, J.J.) is unsustainable in law. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date ~~byt~~ before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that ~~W~~ they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment. This is also the proposition affirmed in *Rekha Chaturvedi v. University of Rajasthan*. The reasoning in the majority opinion that by allowing 33 respondents to appear for the interview, the recruiting authority was able to get the best talent available and that such course was in furtherance of public interest is, with respect, an impermissible justification. It is, in our considered opinion, a clear error of law and an error apparent on the face of the record. In our ~~f~~ opinion, R.M. Sahai, J (and the Division Bench of the High Court) was right in holding that the 33 respondents could not have been allowed to appear for the interview.

7. On the face of the clearcut policy, it would not be appropriate to fall back on the maxim "communis error facit jus", more so in view of the other maxim, "nullus commodum capere potest de injuria sua propria" - "no man can take advantage of the own wrong". The applicant applied for the post and he cannot take advantage of the said wrong simply

because the application was passed through for whatever reason it may be. A chain is only as strong as its weakest link.

8. In exercise of power under Section 19 of the Administrative Tribunals Act, 1985 the Tribunal is ready to exercise judicial review in administrative decision, but at the same time it will also respect the margin of appreciation in the area of administrative discretion. The Tribunal or Court would interfere with the exercise of an administrative discretion where it is convinced that the decision is also unreasonable that it is beyond the pale of reasonableness. All power has its legal limits. It is not be exercised arbitrarily. The rule of law which is one of the facets of democracy demands that public act must be certain and ascertainable in advance so as to be predicted. The legal policy laid down by the Supreme Court mentioned in the aforesaid cases in clear terms held that qualifications which are to be considered are those possessed as on the last date of filing of the applications. Article 14 speaks of equality before law and equal protection of law. Right to equal protection means right to equal treatment in similar situations and similar circumstances which covers privileges conferred and liabilities imposed. The great equality clause also speaks of conventional and legality and also substantive equality. It enjoins upon the authority to apply and enforce law regularly, consistently, fairly and even-handedly. The substantive equality, on the other hand, is referable to equal law. The principle of equality demands that in similar situations persons are not to be treated differently and different situations similarly. The constitution does not allow power to be exercised capriciously, nor the same can be exercised unfairly and discriminately.

9. We have perused the records produced by the respondents. As referred to earlier the records did not indicate as to any special circumstances alongwith the reasons in writing relaxing the rules on the norms of appointment and accepting the application though the applicant did not possess the requisite qualification as mentioned in the notification at the time of applying for the post. The Vigilance Officer conducted an enquiry and in his note also indicated that the call letter Register containing roll number etc. were not available in the Railway Recruitment Board office. Even the original application submitted by the applicant pursuant to the Employment Notice No.1/96 was not found in the record. The applicant averred this fact at paragraph 4(f) of the application. The Vigilance Officer in his report dated 7.3.2000 stated that staff responsible could not be fixed and that the Chairman was a non Railway man (Political nominee). We are not inclined to make any further probe on the matter.

10. On consideration of all the aspects of the matter we do not find any illegality or injustice in the action of the respondents including the action of the Railway Recruitment Board in not approving the case of the applicant for appointment. In our view no injustice as such is caused requiring interference of the Tribunal under Section 19 of the Administrative Tribunals Act.

The application accordingly dismissed. There shall, however, be no order as to costs.

*K K Sharma*  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

*D.N.Chowdhury*  
( D.N.CHOWDHURY )  
VICE CHAIRMAN

Central Administrative Tribunal

22 AUG 2001

गुवाहाटी न्यायपोट

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL  
BENCH, GUWAHATI.

O.A.NO 334 /2001

Pradip Kanti Roy

-versus-

Union of India & ors

I N D E X

S. No	Particulars	Pages
1.	Application	1-87
2.	Verification	8
3.	Copy of the order dated 24-8-98 (Annexure-I)	<del>14</del> 9-12
4.	Copy of the order dated 24-8-98 (Annexure-II)	<del>14</del> 13
5.	Copy of the order dated 28-2-2000 (Annexure-III)	<del>14</del> 14
6.	Copy of the notice dated 9-3-2000 (Annexure-IV)	<del>14</del> 15
7.	Copy of show-cause reply (Annexure-V)	<del>14</del> 16-17
8.	Vakalatnama.	

Employment Notice 1/96

L.D. 31.5.97.

March 97 -Appeal in Back

30.5.97 Appellant Submitted Appn.

Paper

- 31.8.97 Written Test held. 4.8.97 Pass /Ques
- 21.2.98 Called for Viva voce.
- 5.8.98 Informed of his Selection.
- 24.8.98 - Appeal as Apprentice Mech
- 28.2.2000 Cleared Medically  
Completed training

\* 9.3.2000 Show Cause Notice  
Show Cause

P6W5  
PT  
Mass Appr 10.5.2000 Response Submitted  
2.6.2000 Reinst.  
2.8.2000 Reinst.

Ans 1V7 WS

20  
Pradip Kanti Roy  
Applicant, this is  
Pradeep Kanti Roy,  
Additional Bench,  
Central Admin. Tribunal,  
Guwahati, dated 22/8/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH,  
GUWAHATI.

An application under Section 19 of the Administrative Tribunals Act, 1985.

O.A. No. 234/2001.

Pradip Kanti Roy,  
S/O NARESH CH. ROY  
C/O Nanigopal Roy,  
Dy-CE/Con/SCL/N.F. Rly  
P.O. Tarapur, Silchar-3  
District-Cachar, Assam.

....Applicant.

-Versus-

1. Union of India,  
represented by the Commissioner and  
Secretary, Ministry of Railways, Govern-  
ment of India, New Delhi-110001.  
2. Chairman,  
Railway Recruitment Board, Guwahati  
3. General Manager (P)  
North East Frontier Railway  
Maligaon, Guwahati-11.

...Respondents.

1) PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE

i) Letter dated 9.3.2000 issued by the General Manager (P) Maligaon, Guwahati, directing the applicant to show cause as to why his candidature as well as induction into the Railways should not be cancelled.

2  
Pradip Kanti Roy

ii) Non-appointment of the petitioner in the Railways despite successful completion of training of 1 1/2 years.

2) JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he seeks redressal and the relief he prays for is within the jurisdiction of the HOn'ble Tribunal.

3) LIMITATION:

That the application is filed within the period of limitation inasmuch as in view of the non-appointment of the petitioner despite his eligibility for appointment gives to cause of action daily.

4) FACTS OF THE CASE:

a) That the applicant is a citizen of India and permanent resident of Cachar and belongs to the scheduled caste community.

b) That vide Employment Notice No.1/96 issued by the Railway Recruitment Board, Guwahati, applications were invited from diploma holders to fill up, inter alia, certain posts of Apprentice Mechanics (DSL /Mechanical). These posts were advertised in 1996 and re-advertised in 1997. The last date of submission of application was 31.5.97.

c) That in response to the aforesaid employment notice, the petitioner submitted his application with all necessary particulars. The petitioner had annexed a certificate issued by the Principal, Silchar Polytechnic, Meherpur, Cachar, certifying that the petitioner had appeared in the final examination. It is stated that the petitioner had cleared all but one paper of the final year prior to 1997 and appeared for the final in one back subject in March, 1997. The applicant submitted his application on 30.5.97.

d) That the applicant passed his final Examination in

Filed by : -2  
Pradip Kantu Roy  
Mobile no: 9836122211  
Mobile no: 9836122211  
Date: 22/05/2021

Diploma Engineering from the Silchar Polytechnic, Meherpur, on 4.8.97.

e) That thereafter the petitioner was called for written test vide call letter dated 1.8.97. On his successful completion of written test which was held on 31.8.97 the petitioner was called for viva voce to be held on 21.2.98. It is stated that the petitioner's roll number was 12200128. Subsequently, call letters dated 19.2.98 and 20.2.98 were also issued but the dates were incorrectly mentioned therein and viva-voce was actually held on 21.2.1998.

f) That on 21.2.98 when the viva-voce test was held, the petitioner was told by one of the officials that the petitioner's application alongwith the certificate attached thereto were not traceable. The petitioner was requested to submit a fresh application form, which the petitioner did, and the officials concerned scrutinised it and found the same to be in order.

g) That the petitioner was successful in the viva-voce test and vide letter dated 5.8.98 issued by the General Manager (P), the petitioner was informed of his selection for the post of Trainee Apprentice Mechanic (DSL/Mech). Subsequently vide order dated 24.8.98 issued by the General Manager (P), the petitioner was appointed temporarily as trainee apprentice Mechanics (workshop) whereby the petitioner was directed to undergo training for 1 1/2 years.

Copies of order dated 5.8.98 and 24.8.98 is annexed hereto and is marked as Annexure I.

h) That the petitioner successfully cleared the medical fitness test as prescribed vide order dated 24.8.98 and entered into an agreement with the railway authorities in connection

P.S  
Pardeep Kanti Roy

ay  
Pradip Kant Roy

with the training to be undergone by the petitioner. It is relevant to state that as per the terms of the agreement on completion of the apprenticeship the petitioner would be required to serve the railways for a minimum of 5 years. It is also stated that although the petitioner has initially been selected for Apprentice Mechanics (Diesel), due to lack of vacancy he was appointed in Mechanics (Workshop).

i) That the petitioner successfully completed training on 28.2.2000, Vide order dated 28.2.2000 issued by the Principal /STC/NBO, the petitioner was spared for further posting order.

A copy of the order dated 28.2.2000 is annexed hereto and is marked as Annexure I.

j) That the petitioner having successfully completed the training, he was eligible for further posting and he intimated the authorities about the same and submitted the certificate of completion of training to the authorities concerned.

k) That instead of being granted further posting as was his due, the petitioner was slapped with a show cause notice dated 9.3.2000 issued by the General Manager (P) /MLG stating therein that on a complaint received and on inquiry it was found that the petitioner was not eligible for the post of Appr. Mechanic (DSL/Mechanical) as he had not acquired Diploma in Mechanical Engineering on the last date of submission of application. The petitioner was granted 3 days to show cause as to why his candidature as well as induction to the Railways be not cancelled.

A copy of the notice dated 9.3.2000 is annexed hereto and is marked as Annexure IV.

l) That the petitioner filed a reply on 9.3.2000 explaining the factual situation as set out herein above and stating

that he had made no concealment in his application and that he had already undergone 1 1/2 years of training.

A copy of the reply is annexed hereto and is marked as Annexure V.

m) That thereafter, despite several representations, the railway authorities have made no further posting of the petitioner nor passed any order on the show cause notice and reply or any of the representations. It is stated that all the others who had undergone training with the petitioner have been granted posting.

#### 5 GROUNDS FOR RELIEF WITH LEGAL PROVISION.

A) For that the impugned show cause notice being issued illegally and arbitrarily the same is liable to be set aside and quashed.

B) For that the authorities having approved of the application of the petitioner and having made him undergo necessary tests, interviews and training for 1 1/2 years, the authorities are estopped from now issuing the impugned show cause notice and as such the same is liable to be set aside and quashed.

C) For that the authorities all along being aware of the qualifications of the petitioner, the authorities betrayed non-application of mind in issuing the impugned show cause notice.

D) For that the petitioner having made no suppression or any concealment of facts, the action of the respondents to deprive the petitioner after his completion of the arduous and lengthy training, is an abuse of power and violative of the petitioner's rights.

E) For that there having been no fault on the part of the petitioner and he having served under the authorities for a year

25  
Pradeep Kant Ray

Roy  
Kanti  
Pradeep

and half in training, the action of the respondents in leaving him stranded by not granting him further posting as is due to the petitioner, is violative of the norms of service jurisprudence.

F) For that the non-consideration of the show cause reply and the representations filed by the petitioner and the refusal to grant further posting to the petitioner is violative of the principles of natural justice and established norms of fairness in procedure and action.

G) For that the non-granting of posting to the petitioner is discriminatory and cannot be countenanced in law and the authorities are liable to be directed to grant posting to the petitioner.

H) For that in any view of the matter the impugned show cause notice is liable to be set aside and quashed and the authorities are liable to be directed to grant posting to the petitioner.

6) DETAILS OF REMEDIES EXHAUSTED.

The petitioner filed representation dated 10.5.2000 before the General Manager (P) , N.F. Railway, Maligaon and reminders on 2.6.2000 and 2.8.2000, to no avail.

7) MATTER NOT PENDING WITH ANY OTHER COURT, ETC.

The applicant declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

8) RELIEF SOUGHT.

In view of the facts mentioned in paragraph 4 above, the applicant prays for the following reliefs :-

1. To set aside and quash show cause notice dated 9.3.00 issued by the General Manager (P) , Maligaon, directing the

applicant to show cause why his candidature as well as induction on the Railway should not be cancelled.

2. To direct the authorities to provide further posting to the applicant as Apprentice Mechanic in the Railways.

9) INTERIM ORDERS ;

None.

10) Does not arise. The application is filed locally by the advocate of the applicant.

11) PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF APPLICATION FEE :-

(i) Number of postal Order :- 7G 548635

(ii) Name of issuing Post Office :- Guwahati.

(iii) Date of issue of postal order :- 14.8.2001

(iv) Post office at which payable.

(12) LIST OF ENCLOSURES ; As stated in Index

.....Verification.

VERIFICATION

I, Sri Pradip Kanti Roy, son of ~~Narendranath Roy~~  
aged about 27 years, resident of Behra Bazar, P.O. Tarapur,  
Silchar - 3, District, Assam, do hereby verify that the  
statements made in paragraphs 1 to 12 are true to my knowl-  
edge and belief and I have suppressed no material fact.

And I signed this verification on the 18<sup>th</sup> day of  
August, 2001 at Guwahati.

✓ Pradip Kanti Roy.

NORTHEAST FRONTIER RAILWAY

Office of the  
Chief Personnel Officer  
(Recruitment Section)

No. E/89/51 (M) DR quota (WS)

Maligaon, dated 24-8-98

To  
Shri Pradip Kanti Royc/o Nanigopal Roy, Dy. CE/CON/SCL/N.F.RLY  
P.O. Silchar Tarapur, Dist. Cachar (Assam)

Sub :- Temporary appointment as Trainee

Apprentice Mechanics (WS) on Rs 4500/-  
per month in scale Rs 5000 - 8000/-  
plus usual dearness allowance as admissible  
from time to time.

DATE OF SELECTION BY THE RMB/ 26-3-98

MERIT FIGURE 26.

I am prepared to offer you a post in grade of and rate of pay specified above plus usual allowance subject to your passing the prescribed medical examination by an authorized medical Officer of any of the Indian Railways and on production of your original certificate in support of your qualifications and satisfactory proof in support of your age such as Matriculation its equivalent certificate. In case of non-availability of Matriculation or its equivalent certificate from the University/Board, the following certificates (in original) may be accepted provisionally :-

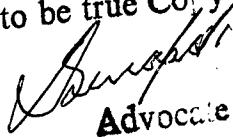
- a) Matriculation Marks Sheet.
- b) Matriculation Admit Card and
- c) School Leaving Certificate from the Headmaster.

2. You will have to undergo training for a period of 12 months/year(s) during which time you will be given one chance to pass the examination. If you fail in the examination within the stipulated period, you will be discharged. During training period you will receive a stipend of Rs 4500/- per month plus usual dearness allowance applicable from time to time.

3. On satisfactory completion of training and passing the prescribed examination/test you will be eligible for appointment as temporary Appr. Mechanics (WS) on minimum of scale Rs 5000 - 8000/- plus usual allowance applicable from time to time, but no guarantee of appointment can be given. Appointment will be temporary in the first instance under terms and conditions applicable to Class III temporary railway servants but you may look forward for confirmation in accordance with your seniority on fulfilment of the conditions as per rules.

Contd... 2

Certified to be true Copy,


  
Advocate

4. i) On completion of your training, if you get yourself selected for appointment against a working post, you will have to serve the Railway Administration for a minimum period of five years if required by the Administration.

ii) That you will not be allowed to withdraw from training except for reasons which are beyond your control. In case you fail to serve the Administration for a minimum period of five years as stated above or wish to withdraw from training for any reason which is not beyond your control or try to withdraw by willfully absenting yourself or adopting any other unfair tactics, you will be liable to refund the whole cost of your training as well as other money paid to you during the period of training by way of stipend/pay etc. the cost of training being understood to be 12% of the pay and allowances(excluding travelling and running allowances) by you.

iii) Before you start your training, you will be required to produce an Indemnity Bonds binding yourself and your family jointly and severally to refund, in the event of your failing to satisfy the conditions stipulated above, the cost of training all money paid to in manner detailed above.

5. It must be clearly understood that the appointment is terminable on 14 days notice other bide except that no such notice is required if the termination of service is due to the expiry of the sanction to the post you held or on return to duty of the absence in whose place you will be engaged in which case your service will be automatically terminable from the date of expiry of the sanction or from the date of former resumes his duty as the case may be. Also no such notice will be required if the formation of service is due to your mental or physical incapacity or to your removal or dismissal as a disciplinary measure after compliance with the provision of clause -II of Article 311 of the Constitution of India.

6. You will not be eligible for any pensionary benefit under the State Railway Provident Fund or Gratuity Rules or to any absence allowance beyond these admissible to temporary employees under the rules in force from time to time during such temporary service.

7. You will be held responsible for the charge and care of Government goods and stores and all other properties that may be entrusted to you.

9. You will be required to take an oath or allegiance or make an affirmation in the form indicated below:

"I, Shri \_\_\_\_\_ do swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality."

SO HELD ME GOD."

NOTE: Conscientious Objectors for taking oath may make a similar affirmation in the prescribed form indicated above.

10. You will conform to all rules and regulations applicable to your appointment. You must be prepared to accept the offer of appointment at any station on the Northeast Frontier Railway system. Although you are liable to be transferred to any station on this Railway in the exigencies of service and should definitely indicate in your acceptance that you will abide by those conditions.

11. If you intend to take up appointment on those conditions please report personally to the undersigned on or before 31-8-98 but not earlier than \_\_\_\_\_ failing which this office will be lapsd and will not be renewed, your pay will commence from the date you join duty at the office where you will be posted, after you have been certified medically fit.

12. You are required to furnish security deposit amounting to Rs. 50/- (Rupees Eighty) only in cash before being appointed as Tr. App. Mechanic (WS).

13. Railway accommodation will be provided only if available and no guarantee to be given.

14. A free Second Class Pass is enclosed to cover your journey. No travelling allowances will, however, be granted for joining the post.

15. Your appointment is also subject to production of Scheduled Caste/Scheduled Tribe Certificate from the authority as advised in the enclosed application form (This condition applies only to the Scheduled Caste/Scheduled Tribes).

16. You shall be liable for Military service in the Railway Engineers Units or Territorial Army for a period of seven years in the Territorial Army or service and eight years in Territorial Army Reserve or for such periods as may be fixed in this behalf from time to time.

17. You will have to produce a certificate in support of your good conduct and character from a State Government Officer not below the rank of Additional Commissioner, DSP or a MP/MLA.

18. You will have to submit proper "Release Order" from your present employer if you are in service.

19. While reporting to this office you will have to deposit

24/- (Rupees Twenty four) only on account of pre-employment medical examination fee.

Contd. on....(4)

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Encl: A set Second Class  
Page No. NIL

I accept the offer on the terms  
detailed above and declare that  
I shall abide by the conditions  
stipulated in para-10 at Para-3.

SIGNATURE OF THE CANDIDATE & DATE

*1/1/81*  
for GENERAL MANAGER (PERSONNEL) /MIG

Copy forwarded for information and necessary action to the  
No. \_\_\_\_\_ This has reference to his endorsement  
of the candidate. He will please  
spare the staff in time so as to enable him to join the new post within  
the stipulated time in para-11 above.

for GENERAL MANAGER (P) /MIG

GC.24/1/92

ANNEXURE-II

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NORTHEAST FRONTIER RAILWAY.

Office of the  
GENERAL MANAGER (P),  
Maligaon, Guwahati-11.

OFFICE ORDER.

In terms of GM(P)/Maligaon's letter No. E/89/51(M) DR quota (ws)  
dt. 24-8-98 and L/No E/89/51(M) DR quota (ws) dated 25-8-98 Shri

Pradeep Kanti Ray (31) has been found medically fit in  
Class/ B/1 for appointment as App. Mechanics under terms and  
conditions contained in GM(P)/MLG's above letter is appointed as Apprentice Mechanics (ws) with effect from the date of report to  
Principal Supervisor's Training Centre, New Bongaigaon on stipend  
of Rs. 4500/- per month in scale 4500/- - 4625/- plus 1/2  
allowances as admissible under existing rules to undergo 1 1/2  
years training and directed to report to the Supervisor's  
Centre, N.E.Rly/New Bongaigaon immediately for training.

18/8/98  
EA to Chief Mechanical Engineer,  
N.E.Railway, Maligaon.

No. E/89/51(M) DR quota (ws)

No. E/10/341/Diesel/Pt.

Maligaon, dt. 27-8-1998.

Copy forwarded for information and necessary action to :-

1. Principal Supervisor's Training Centre/New Bongaigaon, The above named has been directed to report to system Tech. School for undergoing training of Apprentice Mechanics (ws). This batch of apprentices will be borne against the post of Apprentice Mechanics (ws) sanctioned vide this office sanction Memorandum No. ..... dated ......
2. CPO/Rectt/Maligaon, with ref. to his No. E/227/216/RRB/1(Rutt) Pt II  
dt. 18-1-96 and 27-11-97.
3. CPO/E/Pass ~~rectt~~ <sup>MLG</sup> /CPO/MLG's office. He will please issue one single journey 2nd class pass Ex. KYQ to NBQ in favour of the party concerned.
4. Shri Pradeep Kanti Ray at office. He is to please report to Principal Supervisor's Training Centre/NBQ immediately for training.
5. FA & CAO/MLG. (6) WAO/NBQ. (7) DAO/APDJ.

28/8/98  
for GENERAL MANAGER (P) / Maligaon.  
N.E.Railway/MLG.

Hmt/26.7.

Certified to be true Copy.

Guwahati  
Advocate

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ANNEXURE-III.

Office of the  
Principal/STC/NBQ

No.PSTC/CON/22 pt.II.

Dated: 28.2.2000

To

GM(P)/MLG

Sub :- Sparing of App. JE-II(HO)  
1998-R batch.

Ref :- This Office confidential letter of  
even number dt. 14.2.2000.

In reference to above, ~~said~~ Pradip Kanti Roy,  
App. JE-II (WS) 1998-B batch is hereby spared ~~es~~ from  
this end on 28.2.2000 (AN) and directed to you for  
further posting order.

Necessary posting order may please be made  
from your end intimating this officer.

PRO.Noll. ML/STC/NB.Q.

Copy to : CNE/MLG- for kind information.

Pass section - to issue necessary duty pass  
Ex. NBQ to KYQ in favour of the above named  
apprentice.

Party concerned.

28/2/2000.  
PRINCIPAL/STC/NBQ.

*Certified to be true Copy*  
*Paraghati*  
*Advocate*

N.F.RAILWAY

Office of the  
General Manager(P)  
Malgaoj, Guwahati-11.

No.E/261/Mechanical/Con

Dt. 09-03-2000.

To  
Shri Pradip Kanti Roy  
S/o Shri Naresh Ch. Roy  
at Office.Sub:- Show Cause.

Railway Recruitment Board/GHY vide Employment Notice No.1/96 invited application from the Diploma holders to fill up few posts of Appr. Mechanics (DSL/Mechanical) and against the said notification you had submitted/sent your candidature for the said post. The last date for submission of application was 31-5-97 and condition of eligibility at NB(ii) was as under:-

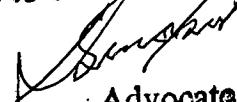
"The candidate must have acquired the essential qualifications as laid down at the time of submission of application. Candidates who have yet to appear at the examination and whose results are withheld or not declared are not eligible to apply".

On a complaint received by this Railway, inquiry was made and it revealed that on the last date of submission of application you had not acquired Diploma in Mechanical Engg. from the recognised Institution and you passed the same in Aug/97 and collected your Diploma Certificate and mark sheet on 4.8.97.

From the above it is very much clear that on the last date of submission of application to RRB/GHY you were not eligible for the post of Appr. Mechanic (DSL/Mechanical) as per the notification and thus please show cause why your candidature as well as your induction on the Railway will not be cancelled on the basis of the above facts. Your reply should be submitted within 3 days from the date of receipt of this notice.

for General Manager(P)/MIG.

Certified to be true Copy


  
Advocate

ANNEXURE-V.

To

The General Manager (P)  
 N.F. Rly Maligaon,  
 Sub:- Show Causse.

Pradip Kanti Roy,  
 Sk: Manigopal Roy,  
 N.F. Railway,  
 Dy- CE (Con),  
 Silchar-1.

Ref:- Your L/No.E/261/Mechanical/CON/ dt. 9.3.2000.

Sir,

In response to your above quoted letter, I submitted as under.

1. Recruitment for the Post of Appo Mechanics (ASL/ Mechanical) was advertised twice under number 1/96 of I/96. I applied during the re-advertisement at 1/97.
2. On hearing from my friend I obtained one RRB form from Railway Station and applied for the Post. Here in I like to mention that I was deciding in my native place at Behara Bazar in North Cachar District Hill.

In application form I applied by my diploma final Exam appear certificate which is issued by our principal for applying the advertisements I got the Call letter of Written Test & accordingly I appeared in the written test. Passed the written test, I passed my diploma final exam and issued my diploma passed certificate at 4.8.97.

After that I got two call letter of Viva-Voce test One after another. In the Viva-Voce test I was told by one Official of the RRB/GHY. that My application along with which the certificate of appearing in the final exam attached was not Traceable & as such I was asked for fill up another application form. After that the Recruitment authority checked all the certificate along with the diploma passes certificate which I passed before holding the Viva-Voce test.

*Benoy Roy*  
 Certified to be true Copy  
 on....2...  
 Advocate

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- 48 -  
5/

:2:

Finally I got the appointment letter I join for training. I have already given 1½ year precious time In training Now when I have come to join it this become a bolt from the blue to know that, I was not in given service by M/s. Railways.

I have never concealed any in my regarding candidature either at the time of filling of application form or during as written & Viva-Voce test I may therefore, kindly be given appointment in the Railway.

Yours faithfully,

(Pradip Kanti Roy)

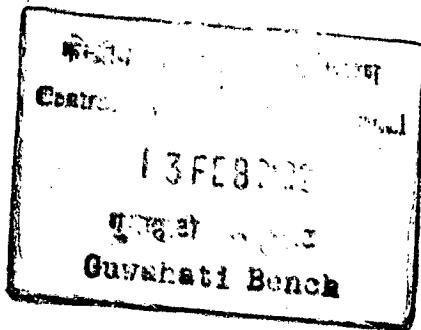
Appr. J.E.II W.S.

To

The Chief Personal Officer  
(Recruitment Section)  
Office of General Manager  
N.F.R. Maligaon.

From :-

Regd. A/D Card.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

IN THE MATTER OF :

21.5.96 NIA/PR 30.3.96 APR. 0.A. NO. 334 OF 2001

L/D 31.5.97 Shri Pradip Kanti Roy

..... Applicant.  
- Versus -

Q/HM 9.8.97

31.8.97 Tenth P.M. APR. Union of India

100. 2. Chairman,

RAJNARAYANA 21.2.98, Railway Recruitment Board, Guwahati.

24.8.98 Selem in w 3. General Manager (P),

28.8.98 See for Pw N.F. Railway, Guwahati.

..... Respondents.

- AND -

IN THE MATTER OF :

Written Statement for and on behalf  
of the respondents.

The answering respondents most respectfully beg to sheweth as under :

1. That, the answering respondents have gone through the copy of the application filed by the applicant and have understood the contents thereof.
2. That, save and except the statements which are specifically admitted herein below, all other averments/allegations as made in the application are emphatically denied herewith. Further, the statements of the applicant

File No. 1  
Union of India  
Railway Adm.  
Guwahati  
12.2.2002

which are not borne on records are also denied and the applicant is put to strictest proof thereof.

3. That, the application is barred under the principle of acquiescence on the part of the applicant since he submitted the application for the post knowingly that he was ineligible to apply for such post due to his lack of requisite qualification on the closing date of submission of such application forms for such selection/appointment ( i.e. on 31.5.97 ).
4. That, the application is quite premature.
5. That, the application is not maintainable under law and fact of the case.
6. That, the applicant has got no valid cause of action or right <sup>for</sup> filing this application. As no final appointment letter was issued in his favour for posting him against any working post on the Railways and also in the face of the Railway Administrations clear reoital even in paragraph 3 of the letter No. E/89/51(M) D.R. Quoter (W.S.) dated 24.8.98 ( copy annexed as Annexure -II to the application ), no cause of action or right for appointment against the railway's post has arisen in his favour.

The contention of the applicant at paragraph 3 of the application that he was eligible for appointment is quite incorrect and based on wrong premise and hence is denied herewith.

7. That, the application is fit one to be dismissed in limine.
8. That, with regard to averments at paragraphs 4(a), 4(b), 4(c), 4(d), 4(e), 4(f), 4(g), 4(h) and 4(i) of the application, it is submitted that except those which are borne on records, all

all other averments/Statements of the applicant as made in this application are denied herewith and the applicant is put to strictest proof thereof.

In this connection it is to submit that the averments as made in these paragraphs do not reveal the true picture/position and as such cannot be accepted as correct. The fact of the case, in brief, are as under :

1) Employment notice no. 1/96 was issued by the <sup>inviting applications</sup> Railway Recruitment Board, from the diploma holders for a few posts of J.E/II/D.M. on 20.5.96 and the same was re-advertised. The category No.20 was for the post of Apprentice Mechanic. Closing date for submission of the application was on 31.05.1997. In the <sup>same</sup> notification, qualification for the post of Apprentice Mechanic i.e. Category No.20 of the advertisement, was Diploma in Mechanical Engineering.

Specific guidelines were prescribed in the said notification laying down the conditions of eligibility i.e. as to who can apply for the post and how to apply etc. It was specifically laid down in the said notification as under :

[ "The candidates must have acquired the essential qualifications as laid down at the time of submission of the application. Candidates who have yet to appear at the examination or whose results are withheld or not declared, are not eligible to apply." ]

It was also incumbent that all the enclosures prescribed should accompany the application as otherwise the application would be rejected.

In the notification the following were also stipulated :

" The selection of the candidates by the Railway Recruitment Board does not confer any right on the candidate for the post".

A copy of the said notification dated ... is annexed hereto as Annexure I for ready perusal.

But the applicant Sri Pradip Kanti Roy applied for the post of Apprentice Mechanic (DSL/Mech) in pay scale Rs. 1400-2300/- against that employment notice No. 1/96 (Category No.20) with a provisional certificate from the Principal, Silchar Poly-technique/Moherpur, Dist. Cachar, Assam which only stated that the applicant appeared in Term-VI/Back final Diploma Examination etc. from that Institute in June' 95. As the discrepancy escaped the notice of the scrutinising official engaged on the job at the Railway Recruitment Board's office, call letter- cum-Admit card for written Test held on 31.8.1997 was issued in-advertently and basing on the result of the said written Test, the call letter for Viva-Voce test held on 10.3.98 was also issued by the Railway Recruitment Board, erroneously assigning Roll No. 12200/28. Basing on the above selection tests Sri Roy ( the applicant ) was however empanelled provisionally for the post, though he did not possess the requisite qualification/eligibility for the post on the day of closing i.e. 31.5.97. Having been empanelled he was also allowed to undergo training at Training School, NBQ (New Bongaigaon) along with other selected candidates for the post of JE/II/D/M.

Meanwhile, a complaint was received by the Vigilance Organisation of the N.F. Railway in regard to the eligibility of the candidate for the said post and during investigation, the Applicant Sri Roy also admitted the facts that he submitted the diploma pass certificate at the time of Viva-Voce test only

and that at the time of submission of application to Railway Recruitment Board it was mentioned in the application for the post that he has only appeared in the final year examination of the diploma course in Mechanical Engineering and in support of same he submitted the certificate issued by the Principal, Silchar Polytechnique ( which was enclosed to the application form ) submitted to the Railway Recruitment Board. In the meantime, the Applicant also completed the service training of 1½ years.

As it was already in the knowledge of the Applicant from the initial stage of such selection process that he was ineligible to apply for the post for which he has been seeking appointment and the irregularities escaped the notice of the Authorities and as he was wrongly selected for the post, the entire matter of selection and undergoing training were based on wrong premise and the Railway Administration cannot be bound to validate the illegalities/irregularities in this public appointment, where public interest are also involved. As no final appointment letter has yet been issued in favour of the applicant, no right to the post has also accrued in favour of the applicant.

ii) That, it was the specific condition in the Employment notification that the applicants ( i.e. intending candidates for the post ) should inter-alia possess the diploma pass qualification on 31.5.97 . But in the instant case Shri Roy ( i.e. the applicant ) cleared Diploma on 4.8.97 which clearly revealed that he was ineligible to apply for the post and as per employment notification he should not have applied for the post..

In this connection it is relevant to mention here - in that while dealing with the mass of applications, which are quite in large numbers for the posts in the Recruitment Board, this irregularity and mistake evaded the notice of the officials engaged for scrutiny of applications in the public appointment and there has been no illegility in correcting this mistake, as a single mistake in public appointment involves the national interest and deprival of other candidates similarly situated who also could apply for the post but avoided to apply knowing that they did not possess the requisite qualification on the closing date of submission of the application i.e. 31.5.1997 as prescribed in the notification/ advertisement in question calling for applications.

iii) That, as regards, the alleged agreement dated 27.8.1998, as referred to by the Applicant at paragraph 4(h) of the Application, it is submitted that the same was entered into based on wrong premises and cannot bind the Government legally and it was entered into for the purpose of training only which was imparted at Government cost. Even in clause 18 of the said agreement it was clearly laid down that no ~~guarantees~~ guarantee or promise of employment is given or implied by the Railway Administration.

iv) That, in the call letter for Viva-Voce test held on 10.3.98 issued to the applicant it was clearly laid down in para 2 of the letter as under :

"..... this call letter itself does not entitle you for final selection and your eligibility also depends on you fulfilling all the requisite conditions of eligibility as also laid down in the Employment Notice .....

Thus, the terms and conditions under which the call letter was issued are quite explicit in the body of this document and under the terms of the call letter or the clause written on the advertisement, the applicant should not have applied for the post and rather should have refrained from appearing in the viva-voca test and taking part in further ~~subsequent~~ selection process also as he is quite aware that he had no eligibility for applying for the post on 31.5.1997.

A copy of the call letter dated .. is annexed hereto as Annexure II for ready perusal.

v) That, submission of any certificate afterwards which further show that he acquired the qualification of the diploma only after the closing date for submission of the application form for the post, cannot ip-so-facto validate the deficiencies in the qualification that existed on the closing date i.e. on 31.5.1997. It revealed that the Applicant Sri Roy passed his final examination of diploma in Mechanical Engineering in August 1997 and collected the diploma certificate and marksheets on 4.8.1997.

vi) That, as per codal provisions ( in Railway Codes, Manuals etc) mere inclusion of names in the panel does not entitle the candidates for claiming appointment. The relevant provisions in rules 113 and 114 of the Indian Railways Establishment Manual are also submitted in this connection.

The Rule 113 of IREM clearly mentions inter alia that selection of a candidate by a Board or a Railway Administration is however no guarantee of employment on the railway which is subject to his being otherwise suitable for his service under the Government etc.

Rule 114 IREM lays down inter-alia the power to relax or modify rules. It clearly mentions that Railway Board's prior approval is required for long term or permanent alteration of the rules.

The photo copies of both the above Rules i.e. Rules 113 and 114 of IREM are annexed hereto as Annexure-III for ready perusal.

6. That, with regard to averments/contentions of the applicant at paragraphs 4(j), 4(k) and 4(l) of the Application, it is submitted that except those which are borne on records, or are specifically admitted herein below nothing are accepted as correct. It is denied that after completion of the training he was eligible for further posting, as contended by the Applicant.

The fact of issuing the notice as well as the reply submitted by him on 14.3.2000 are hereby admitted. It is to mention herein that mere disclosure that he appeared in final examination etc. does not mean that he fulfilled the essential requirements of eligibility for the post. The fact that he lacked eligibility for the post on 31.5.1997 remains un-rebutted.

11. That, with regard to averment at paragraph 4(m) of the application it is submitted that the applicant's contentions are not correct and are not admitted. It is not correct that his representation was not considered. Rather, it was observed

that his request for issuing final appointment letter cannot be acceded to as he was ineligible to apply for the post as per eligibility criterion laid down in the notification calling for the applications for filling up the posts.

It is to submit herein that the matter was further considered by the Railway Board and the Railway Board also decided that as the candidate did not possess the requisite qualification as mentioned in the notification, at the time of applying for the post, his case cannot be considered for appointment.

In this connection, a copy of the Railway Board's letter No. E(NG)II/2001/RR-I/60/CA iii dated 14.9.2001 is annexed hereto as Annexure-IV for ready perusal.

Further, there should not have been any grievance from his side for granting posting orders to other trainees who fulfilled all the requirements for eligibility for the post especially when he lacked such eligibility and was not entitled/eligible to apply for such selection in terms of the notification/advertisement of the Railway Recruitment Board and when recruitment are done quite in consonance to rules and codal provisions etc. and not at the fiat of any particular official/officials.

12. That, as regards the various grounds as set forth at paragraph 5 of the application, it is submitted that these are not valid, proper or tenable and hence these are not admitted. In this connection the respondents like to re-iterate and re-affirm all the relevant submissions in the foregoing paragraphs of this written statement.

It is also emphatically denied that the impugned show cause notice dated 9.3.2000 was issued illegally and arbitrarily or the same is liable to be set aside and quashed; or, that his reply dated 14.3.2000 to the show cause was not considered, or that there has been any violation of principles of natural justice and established norms of fairness in procedures etc., or, that non-granting of posting to the petitioner is discriminatory, etc., as alleged; or, that the Railway Authorities are liable to be directed to grant posting to the applicant when there has not been any suppression or concealment of fact by the applicant etc.; or, that there has been any violations of the service Jurisprudence by ~~xxxxxx~~ not granting the Applicant the posting order when the applicant has already undergone training for 1½ years in the railways and thus served the Railway Administration; or, that the authorities already approved his application or were all along aware of the qualification of the petitioner ( i.e. the Applicant ), or, that there had been no fault on the part of the petitioner; or, that there had been any abuse of power and violation of the Applicants rights etc as alleged.

In fact, all actions have been taken in the case after due application of mind and through scrutiny and investigation into the case and keeping in view the rules etc. involved

in conducting this public appointment.

13. That with regard to averments at paragraph 6 of the application it is to mention herein that the applicant also submitted a representation dated 24.6.2001 before the Hon'ble Minister for Railways, Government of India, Rail Bhavan, New Delhi as reveals from records .

The decision of the Railway Board regarding his case has however been given by the Railway Board under Bds letter dated 14.9.2001 a copy of which is been annexed hereto as Annexure - IV for ready perusal.

14. That, with regard to the relief sought for <sup>as</sup> prayed through paragraphs 8 and 9 of the application, it is submitted that the merit of the case does not deserve for grant of any such relief as prayed for in view of what have been submitted in the foregoing paragraphs of this written statement.

15. That, all actions taken in the case are quite valid, legal and proper and passed after due scrutiny and investigation into the case and in consideration of relevant rules and procedures of holding the selection etc. and there has been no illegal, arbitrary or discriminatory action etc as alleged.

The applicant knowing fully well that he was not eligible to apply for the post advertised and he did not fulfil the requisite conditions and qualifications prescribed for the post, not only submitted the application for the post but also defied to take notice and actions on the conditions laid down in the call letters etc. ( i.e. if he was in-eligible to apply for the post etc. he should not appear in the test or participate in the selection process etc) as to create a situation for an appointment for which he is not legally eligible .

16. That, the applicant has sought to take advantage of some evasion in scrutiny process etc. in the Railway Recruitment Board etc. and as such the present application which is aimed to derive undue benefit, is liable to rejection.

17. That, the applicant acquired no right over the post in the fact and circumstances of the case.

18. That, the selection procedures have been prescribed under rules *(J)* framed under the Constitution of India and no selection personnel engaged on public duties can over-ride those rules, either by overt or covert actions and there is no *(A)* scope for escaping from the set rules having the Constitutional binding, either on plea of natural Justice or equity etc.

19. That, the respondents crave leave of the Hon'ble Tribunal to permit them to file additional written statement, if required, for the ends of Justice.

20. That, under the facts and circumstances of the case stated above, the instant application is not maintainable and is also liable to be dismissed.

Verification .....

VERIFICATION

I, Sari O. P. AGRAWAL son of  
Sh. M.L. AGRAWAL aged about 43 years by occupation  
Railway Service, working as Chancery, 1st Gauhati  
of the N.F. Railway Administration do hereby solemnly affirm  
and state that the statements made in paragraphs  
1 and 2 are true to my knowledge and those made in para-  
graphs 8, 9, 10, 11 and 13 are matters of records of the  
case which I believe to be true and the rest are my humble  
submissions before the Hon'ble Tribunal and I sign this verifi-  
cation on this 7th day of Feb. 2002.  
on proper authority.

✓   
अध्यक्ष

for and on behalf of the  
Union of India.

Re-Adv. & closing 25/4/97  
Annexure - I 31/5/97

RAILWAY RECRUITMENT BOARD : GUWAHATI

EMPLOYMENT NOTICE NO. I/ 96

STATION ROAD  
GUWAHATI -781001  
DATED : 20/05/96

DATE OF PUBLICATION : 21/05/96

Date of Re-Pub - 25/4/97

CLOSING DATE (30/06/96)

Re - 31-5-97

Applications are invited in prescribed forms obtainable from any important Railway Station or in a proforma application given below (to be neatly typed in using one side only in a standard size thick paper) for the following temporary posts, likely to be permanent, in the Northeast Frontier Railway. Applications complete in all respects along with required enclosures should be sent to the ASSISTANT SECRETARY, RAILWAY RECRUITMENT BOARD: STATION ROAD, GUWAHATI - 781001, ASSAM under certificate of posting so as to reach the Board's office on or before 17-30 hrs. of 30/06/96. The applications can also be dropped in the "Application Box" kept in the RRB Office before 17-30 hrs. of 30/06/96.

EMPLOYMENT NOTICE NO. AND CATEGORY NO. AGAINST WHICH THE CANDIDATE APPLIES MUST CLEARLY BE WRITTEN ON THE TOP OF THE COVER ENVELOPES POSITIVELY.

Contd ..... II

DRB. in Mech Eng (3)

App

Min

DRB

30.6.96

App 30.5.97

Min Eng (3)

6th June

31.5.97

Revised Date 23.6.97

Call letter 1.8.97

CATEGORY NO.	NAME OF THE POST	SCALE OF PAY	STIPEND DURING	VACANCIES					SEX	PERIOD OF TRAINING	AGE AS ON 01-06-96
				TRAINING	UR	SC	ST	OBC			
1.	Stenographer (English)	1200-2040/-	-	04	01	02	01	08	Both	-	18 to 30 Yrs.
2.	Appr. Junior Engineer/ Sig/Gr. - II	2000-3200/-	Rs. 2000/-	02	01	01	-	04	Both	12 months	20 to 30 Yrs.
3.	Appr. Signal Inspector/ Gr. - II	1400-2300/-	Rs. 1320/- 1350/-	07	02	04	01	14	Both	24 months	18 to 25 Yrs.
4.	Appr. Tele Communication Inspector/ Gr.-II	1400-2300/-	Rs. 1320/- 1350/-	07	02	02	02	13	Both	24 months	18 to 25 Yrs.
5.	Appr. Tele Communication Maintainer/Gr.-III	950-1500/-	Rs. 950/-	08	03	06	06	23	Both	12 months	18 to 25 yrs.
6.	Tr. Asstt. Draftsman (S & T)	1200-2040/-	Rs. 1200/-	04	01	01	01	07	Both	12 months	18 to 25 Yrs.
7.	Tr. Electric Foreman / STA / Deputy Shop Supdt.	2000-3200/-	Rs. 2000/-	01	01	-	-	02	Both	12 months	20 to 30 Yrs.
8.	Appr. Mechanics (Elect)	1400-2300/-	Rs. 1400/-	09	05	01	03	18	Both	24 months	18 to 28 Yrs.
9.	Tr. Asstt. Draftsman (Elect.)	1200-2040/-	Rs. 1200/-	03	01	01	01	06	Both	12 months	18 to 25 Yrs.
10.	Tr. Draftsman (Elect.)	1400-2300/-	Rs. 1400/-	-	01	-	-	01	Both	24 months	18 to 28 Yrs.
11.	Tr. Head Draftsman (Elect.)	1600-2660/-	Rs. 1600/-	01	-	-	-	01	Both	12 months	20 to 30 Yrs.
12.	Traffic Apprentice	1400-1440/- 1600-2660	Rs. 1400/-	06	02	01	02	11	Both	24 months	20 to 28 Yrs.
13.	Commercial Apprentice	1400-1440/- 1600-2660	Rs. 1400/-	06	02	02	01	11	Both	24 months	20 to 28 Yrs.
14.	Physiotherapist	1400-2300/-	-	01	-	-	-	01	Both	-	18 to 28 Yrs.
15.	Staff Nurse	1400-2600/-	-	13	04	02	07	26	Both	-	20 to 35 Yrs.
16.	Pharmacist	1350-2200/-	-	04	01	01	01	07	Both	-	20 to 30 Yrs.
17.	Lab Asstt.	975-1540/-	-	01	-	01	-	02	Both	-	19 to 28 Yrs.
18.	App.Mechanics Elec/ DSL	1400-2300	Rs.1320/-	04	02	01	01	08	Both	24 months	18 to 28 Yrs.
19.	Tr. Deputy Shed Suptd (Elec / DSL)	2000-3200/-	Rs.2000/-	-	01	-	-	01	Both	12 months	20 to 30 Yrs.
20.	Appr. Mechanics (DSL / Mech)	1400-2300/-	Rs. 1320/-	04	01	02	01	08	Both	24 months	18 to 28 Yrs.
21.	Appr. Train Examiner	1320-1350/- 1400-2300/-	Rs. 1320/-	06	03	01	02	12	Both	24 months	18 to 28 Yrs.
22.	Tr. Asstt. Draftsman (Mech)	1200-2040/-	Rs. 1200/-	01	-	01	-	02	Both	12 months	18 to 25 Yrs.

Contd.III

SAB

II

96-6  
61-4-29  
35-1-2

29-4-6  
93

CATEGORY NAME OF NO. THE POST	SCALE OF PAY	STIPEND DURING	VACANCIES						SEX	PERIOD OF TRAINING	AGE AS ON 01-06-96
			TRAINING	UR	SC	ST	OBC	TOTAL			
1. Stenographer (English)	1200-2040/-	-	04	01	02	01	08	1	Both	-	18 to 30 Yrs.
2. Appr. Junior Engineer/ Sig/Gr. - II	2000-3200/-	Rs. 2000/-	02	01	01	-	04	1	Both	12 months	20 to 30 Yrs.
3. Appr. Signal Inspector/ Gr. - II	1400-2300/-	Rs. 1320/- 1350/-	07	02	04	01	14	1	Both	24 months	18 to 28 Yrs.
4. Appr. Tele Communication Inspector/ Gr.-II	1400-2300/-	Rs. 1320/- 1350/-	07	02	02	02	13	1	Both	24 months	18 to 28 Yrs.
5. Appr. Tele Communication Maintainer/Gr.-III	950-1500/-	Rs. 950/-	08	03	05	06	23	1	Both	12 months	18 to 25 yrs.
6. Tr. Asstt. Draftsman (S & T)	1200-2040/-	Rs. 1200/-	04	01	01	01	07	1	Both	12 months	18 to 25 Yrs.
7. Tr. Electric Foreman / STA / Deputy Shop Supdt.	2000-3200/-	Rs. 2000/-	01	01	-	-	02	1	Both	12 months	20 to 30 Yrs.
8. Appr. Mechanics (Elect)	1400-2300/-	Rs. 1400/-	09	05	01	03	18	1	Both	24 months	18 to 28 Yrs.
9. Tr. Asstt. Draftsman (Elect.)	1200-2040/-	Rs. 1200/-	03	01	01	01	06	1	Both	12 months	18 to 25 Yrs.
10. Tr. Draftsman (Elect.)	1400-2300/-	Rs. 1400/-	-	01	-	-	01	1	Both	24 months	18 to 28 Yrs.
11. Tr. Head Draftsman (Elect.)	1600-2660/-	Rs. 1600/-	01	-	-	-	01	1	Both	12 months	20 to 30 Yrs.
12. Traffic Apprentice	1400-1440/- 1600-2660/-	Rs. 1400/-	06	02	01	02	11	1	Both	24 months	20 to 28 Yrs.
13. Commercial Apprentice	1400-1440/- 1600-2660/-	Rs. 1400/-	06	02	02	01	11	1	Both	24 months	20 to 28 Yrs.
14. Physiotherapist	1400-2300/-	-	01	-	-	-	01	1	Both	-	18 to 28 Yrs.
15. Staff Nurse	1400-2600/-	-	13	04	02	07	26	1	Both	-	20 to 35 Yrs.
16. Pharmacist	1350-2200/-	-	04	01	01	01	07	1	Both	-	20 to 30 Yrs.
17. Lab Assu.	975-1540/-	-	01	-	01	-	02	1	Both	-	19 to 28 Yrs.
18. App.Mechanics Elec/ DSL	1400-2300	Rs.1320/-	04	02	01	01	08	1	Both	24 months	18 to 28 Yrs.
19. Tr. Deputy Shed Suptd (Elec / DSL)	2000-3200/-	Rs.2000/-	-	01	-	-	01	1	Both	12 months	20 to 30 Yrs.
20. Appr. Mechanics (DSL / Mech)	1400-2300/-	Rs. 1320/-	04	01	02	01	08	1	Both	24 months	18 to 28 Yrs.
21. Appr. Train Examiner	1320-1350/- 1400-2300/-	Rs. 1320/-	06	03	01	02	12	1	Both	24 months	18 to 28 Yrs.
22. Tr. Asstt. Draffeman (Mech)	1200-2040/-	Rs. 1200/-	01	-	01	-	02	1	Both	12 months	18 to 28 Yrs.

Contd.III

*DAB*

CATEGORY NO.	NAME OF THE POST	SCALE OF PAY	STIPEND DURING TRAINING	VACANCIES				SEX	PERIOD OF TRAINING	AGE AS ON 01-06-96	
				UR	SC	ST	OBC				
23.	Draftsman (Mech)	1400-2300/-	Rs. 1200/-	02	-	01	-	03	Both	24 months	18 to 28 Yrs.
24.	Appr. Junior Chemical & Metallurgical Asstt.	1320-2040/-	Rs. 1320/-	02	-	-	01	03	Both	12 months	18 to 25 Yrs.
25.	Tr. Chemical & Metallurgical Asstt.	1400-2300/-	Rs.1400/-	02	01	-	-	03	Both	12 months	22 to 30 Yrs.
26.	Tr. Deputy Shop Suptd. (Workshop)	2000-3200/-	Rs.2000/-	01	01	01	-	03	Both	12 months	20 to 30 Yrs.
27.	Appr.Mechanics (workshop)	1400-2300/-	Rs.1320	05	02	01	02	10	Both	24 months	18 to 28 Yrs.
28.	Appr.Chief Train Examiner	2000-3200/-	Rs.2000/-	02	01	-	-	03	Both	12 months	20 to 30 Yrs.
29.	Hindi Asstt. Gr. - II	1400-2300/-	-	01	-	-	01	02	Both	-	18 to 28 Yrs.
30	Appr. permanent way Inspector Gr. II	1400-2300/-	Rs.1400/-	18	06	02	09	35	Both	12 months	18 to 28 Yrs.
31.	Appr.Junior Engineer(P.way Gr.II)	2000-3200/-	Rs. 2000/-	03	01	01	01	06	Both	12 months	20 to 30 Yrs.
32.	Appr. Permanent Way Mistry	1400-2300/-	Rs. 1400/-	12	04	02	05	23	Both	12 months	18 to 25 Yrs.
33.	Tr. Asstt. Draftsman (Civil)	1200-2040/-	Rs. 1200/-	15	04	05	05	29	Both	12 months	18 to 25 yrs.
34.	Tr. Draftsman (Civil )	1400-2300/-	Rs. 1200/-	04	01	01	01	07	Both	18 months	20 to 30 Yrs.
35.	Head Draftsman (Civil)	1600-2660/-	Rs. 1600/-	04	01	02	01	08	Both	12 months	20 to 30 Yrs.
36.	Tr. Senior Design Asstt.(Civil)	1600-2660/-	Rs. 1600/-	01	01	-	-	02	Both	12 months	20 to 30 Yrs.
37.	Junior Accounts Asstt.	1200-2040/-	-	15	04	06	06	31	Both	3 months	18 to 25 Yrs.
38.	Asstt. Teacher Grade - I (Commerce)	1640-2900/-	-	-	01	-	-	01	Both	-	20 to 40 Yrs.
39.	Demonstrator (Pure Science)	1400-2600/-	-	01	01	-	-	02	Both	-	20 to 40 Yrs.

Contd ....IV

### EDUCATIONAL QUALIFICATION :

Category No. 1 : Matriculate. Speed 80 w.p.m. and 40 w.p.m. in Shorthand and Type writing respectively. Knowledge of Hindi stenography will be given preference.

Category No. 2 : Degree in Mechanical / Electrical / Electronics Engineering. OR M.Sc. ( Physics) Addl. weightage will be given for field experience in these disciplines.

Category No. 3 : Diploma in Electrical / Electronics Engineering. OR. BSc. ( Physics)

Category No.4 : Diploma in Electrical / Electronics / Telecomm. / Radio Engineering. OR BSc. ( Physics)

Category No. 5 : Matriculation and (i) ITI certificate in Electrical Radio / Wireless / Telecomm :/TV trade and 1(one) years experience as Casual TCM/WTM in S&T Department. OR (ii) Must be Casual TCM / WTM for 3 years in S & T Department. OR (iii) Pass in plus two stage in Higher Secondary with Mathematics and Physics.

Category No. 6 : Minimum ITI certificate in draftsmanship ( National Trade Certificate by Government of India NCVT ) in the respective disciplines from recognised institutes or equivalent, the course being of two years duration. Engineering diploma holders (Mechanical / Electrical / Eletronics) and holders of diploma in draftsmanship from recognised institutes will also be eligible.

Category No. 7 : Degree in Electrical Engineering from a recognised University.

Category No. 8 : Diploma holder in Elect. Engineering (3 years course from a recognised Institute)

Category No. 9 : ITI certificate in Draftsmanship ( National Trade Certificate by the Govt. of India. NCVT) in Civil Engineering from recognised Institution or equivalent, the course being of two years duration. Electrical Engineering. diploma holders and holders of diploma in draftsmanship from recognised Institution will also be eligible.

Category No.10 : Matric plus 3 years diploma in Electrical Engg. from Government recognised Institution or recognised College.

Category No.11 : Degree in Electrical Engineering from a recognised University.

Category No. 12. & 13 : (i) Graduate (ii) Diploma in Rail Transport and management from the Institute of Railway Transport, New-Delhi will be a desirable qualification.

Note : Posting of Traffic / Commercial Apprentices will involve working in Night shifts and other odd hours and postings also may be at small road side stations. Lady candidates may apply if they are ready for such eventualities.

Contd .....V

Category No.14. : Diploma in Physiotherapy from a Recognised Institution after Passing the Intermediate, Pre-University Course or Higher Secondary or equivalent Examination.

Category No.15. : Candidates must have passed Matriculation or its equivalent examination and possess certificate as registered Nurse and Midwife having passed the three years course in general Nursing and six months course in Midwifery from a school of Nursing or other institution recognised by the Indian Nursing council or BSc. (Nursing). They must be able to speak in English, Hindi, Assamese or Bengali.

Category No.16. : (a) Should have passed the H.S.L.C. examination or its equivalent. (b) Possess certificate / Diploma in Pharmacy. (c) Registered with the State Medical faculty / Pharmacy council. (d) Legible hand writing and be able to read and write one or more local vernacular language. Experience in a hospital is preferred but not essential.

Category No.17. : Matriculation with Science, one year experience in Pathological or Bio-Chemical Laboratory, Science Graduate with Diploma in Laboratory Technician course from a recognised Institute such as all India Institute of Hygiene and Public Health shall be preferred.

Category No.18. : Diploma in Elect. Engg. (3 years) from recognised Institute.

Category No.19. : BE (Electronics) Electrical.

Category No.20. : Diploma in Mechanical Engg. (3 Yrs) from recognised Institute.

Category No.21. : Diploma holder in Mechanical Engineering (3 Yrs.) Course from a recognised Institution.

Category No.22. : Minimum ITI certificate in Draftsmanship (National Trade certificate by Govt. of India NCVT) in the respective discipline from recognised institutes or equivalent, the course being of two years duration. Engineering diploma holders in respective discipline and holders of diploma in Draftsmanship from recognised Institute will also be eligible.

Category No.23. : Diploma in Mechanical Engineering. ~~or~~

Category No.24. : Degree in Science with Chemistry & Physics with minimum of 45%.

Category No.25. : Degree in Metallurgy / Chemical Engineering or MSc. degree in Chemistry/Applied Chemistry.

Category No. 26 : BE (Mechanical)

Category No. 27 : Diploma in Mech. Engineering.

Category No. 28 : Degree in Mechanical/Electrical Engineering from a recognised Engineering College.

Category No. 29 : B.A with Hindi as elective subject & English on a subject at degree level, or a graduate with English as a subject plus a degree or diploma in Hindi equivalent to B.A. or higher standard of B.A. (Hons) in English and a degree or post graduate degree or diploma in Hindi.

Category No. 30 : Diploma in Civil or Mechanical or Electrical Engineering. N.B. If enough candidates with qualification of Diploma in Civil Engineering become available, the Recruitment will be confined to them.

Category No. 31 : Degree in Civil Engineering.

Category No. 32 : (10 + 2) with science and Maths. Diploma holders in Civil / Mechanical / Electrical Engineering also be eligible.

Category No. 33 : Minimum ITI certificate in Draftsmanship (National Trade Certificate by Govt. of India, NCVT) in Civil Engg. from recognised Institution or equivalent, the course being of 2 yrs. duration. Civil Engg. Diploma holders and holders of diploma in Draftsmanship from recognised Institution will also be eligible.

Category No. 34 : Matric plus 3 yrs. diploma in Civil Engg. from Govt. recognised Institution or recognised colleges.

Category No. 35 : Degree in Civil Engg. Department of a recognised University.

Category No. 36 : Degree in Civil Engineering Department or equivalent examination.

Category No. 37 : University degree preference being given to person with I & II divisions- Honours & Master Degree. The candidate should possess typing proficiency of 30 words per minute in English or 25 words per minute in Hindi as an essential qualification besides the prescribed educational qualification.

Category No. 38 : (i) II nd class Master's Degree in Commerce with special paper Banking. (ii) University Degree/Diploma in Education/Teaching. OR Integrated two years Post Graduate course of Regional Colleges of education of N.C.E.R.T. (iii) Competence to teach through Assamese medium.

Category No. 39 : (i) II nd class Bachelors Degree with Physics, Chemistry and one subject out of Botany / Zoology. 45% marks can be considered equivalent to IIInd class where there is no demarcation of class in Bachelor's Degree. (ii) University Degree/Diploma in Education/Teaching OR 4 years integrated Degree course in regional colleges of Education of N.C.E.R.T. (iii) Competence to teach through English and Bengali Medium.

N.B.: (i) A GENERAL RELAXATION IN UPPER AGE LIMIT FOR ALL COMMUNITIES/ CATEGORIES OF CANDIDATES HAVE BEEN GIVEN BY 5 YEARS BESIDES THE AGE RELAXATION GIVEN IN PARA-2. THIS RELAXATION IS APPLICABLE FOR 2 YEARS WITH EFFECT FROM 4/8/95.

N.B.: (ii) THE CANDIDATES MUST HAVE ACQUIRED THE ESSENTIAL QUALIFICATIONS AS LAID DOWN AT THE TIME OF SUBMISSION OF APPLICATION. CANDIDATES WHO HAVE YET TO APPEAR AT THE EXAMINATION AND WHOSE RESULTS ARE WITHHELD OR NOT DECLARED ARE NOT ELIGIBLE TO APPLY.

## 1. GENERAL INSTRUCTION

### 1.1. ABBREVIATION USED :

SC = Scheduled Caste, ST = Scheduled Tribe , UR = Un-Reserved, OBC = Other Backward Class, I.P.O = Indian Postal Order.

1.2. The number of vacancies shown may be increased or decreased.

1.3. SC /ST/ OBC candidates can apply against UR posts but they will have to compete with UR candidates. SC/ ST/ OBC candidates need apply strictly against their respective vacancies only.

## 2. AGE LIMIT

2.1. The age will be reckoned as on 01-06-96. The upper age limit is relaxable as under :-

- (a) By 5 years for SC/ST candidates and by 3 yrs. for OBC candidates.
- (b) By 5 years for Bonafide displaced Goldsmiths.
- (c) By 10 years in case of physically handicapped.
- (d) Upto the age 40 years for "RESERVISTS" not yet employed in Govt. service.
- (e) Upto the extent of service rendered by Group 'C' and Group 'D' Railway staff and casual Labours / substitutes provided that they have put in minimum of 3 years service (continuous or broken) subject to the condition that the age of 35 yrs. For working quasi-Administrative offices of the Railway organisation such as Railway Canteens,Co-Operative societies and Institutes upto 5 years service rendered in such organisations and upper age limit of 35 years whichever is less.

Contd ....VIII



59

(f) Upper age limit in case of widows, divorced women and women judicially separated from their husband but not remarried shall be relaxed upto the age of 35 yrs.

(g) Upto maximum age of 45 years for repatriates from Burma and Sri Lanka who migrated to India on or after 1st June 1963 and 1st November 1964 respectively and from East Pakistan (Now BanglaDesh) on or after 1st January 1964.

### 3. HOW TO APPLY

- 3.1. Candidates should apply in their own handwriting either in Hindi or English with ink / ball pen (not in pencil) on good quality plain white paper of foolscap size (i.e. 330 mm x 220 mm) on one side of the paper in the format as given at the end or prescribed RRB's application form obtainable from important Railway Station of N.F. Rly. strictly observing all the instructions given in Employment Notice. Newspaper cuttings or the Xerox copies or any other format should not be used.
- 3.2. Candidates should note that only international form of Indian numerals (i.e. 1,2,3,4.....) should be used while filling up the application form.
- 3.3. They should take care that entries made in the application form are clear, legible and without erasing or overwriting.

### 4. EXAMINATION FEES:

- 4.1. For SC/ ST / Physically Handicapped = Nil (Being exempted)

#### 4.2 FOR OTHERS

For post carrying scale of pay upto Rs. 950-1500/- = Rs. 20/-  
For post carrying scale of pay above Rs. 950-1500/- = Rs. 30/-

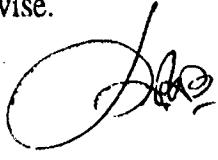
- 4.3. The above examination fee should be paid by UR / OBC candidates in the form of **CROSSED INDIAN POSTAL ORDER ONLY.** ( Purchased on or after the date of publication of this Employment Notice but before 30/06/96 drawn in favour of the Assistant Secretary, RRB/ Guwahati. Remittance of examination fees in any other form except I.P.O. will not be accepted. The examination fee is not refundable under any circumstances. An application not accompanied by I.P.O. for the requisite amount will be summarily rejected. The candidates should write his/ her name, full Address, E. N. No. on the I.P.O. The counter foil of the I.P.O. should be retained by the candidate. The I.P.O. No. and value should be indicated on the application form, or in the space provided in the prescribed format attached herewith.

### 5. ENCLOSURES TO THE APPLICATION :

The following enclosures should be firmly stitched along with the application form. If any of these are not sent or sent separately or subsequent to the receipt of the application, the application will be rejected. The enclosures are :

- 5.1. Crossed Indian Postal Order of the required amount towards examination fees, if not exempted otherwise.

Contd .....IX



5.2. Three copies of recent photographs of pass-port size, one pasted on the application in the space provided and two firmly stitched with the application. The photographs should bear the signature of the candidate.

5.3. (a) Attested true copies of Caste certificate from competent authorities in the case of Scheduled Caste / Scheduled Tribe / OBC candidates.

(b) For OBC, a certificate to the effect that the candidate does not belong to the persons / sections ( CREAMY LAYER) mentioned in Col.3 of the schedule to the Govt. of India, Deptt. of Personnel and training O.M. No 36012/ 22 /93 Estt (SCT) dated 8.9.93 is required and the certificate should be in the prescribed format circulated by Ministry of Personnel Grievances and pension Deptt. of personnel and Training, Govt. of India, New Delhi.

5.4. Attested true copy of Mark Sheets and other certificates of educational qualifications.

5.5. Attested true copy of documentary evidence of age, i.e. H.S.L.C. Admit card etc.

5.6. Attested true copy of No objection certificates from employer, if already employed.

5.7 Two self addressed envelopes of size 27.5 x 12.5. cms. with Rs. 2/- postage stamps each pasted.

#### 6. FOR SERVING EMPLOYEES :

Candidates serving in Govt. Quasi-Admn. Office/ Organisation and Institutes should apply through proper channel or should apply directly to the RRB/ Guwahati with NO OBJECTION CERTIFICATE from their employer to avoid delay. The last date for application to reach this office will not be extended on account of any delay in transmitting the application by concerned office. No advance copy of application will be entertained. Applications received after the closing date / hours will not be accepted .

7. Separate application is required to be sent for each category. Contrary to this, if more than one post is applied for in one application the same will be rejected.

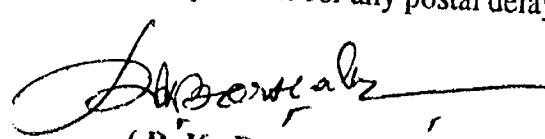
#### 8. INVALID APPLICATION :

The applications which suffer from the following deficiencies / irregularities will be summarily rejected. (i) Incomplete/ illegible applications or applications made on news-paper cuttings. (ii) Unsigned application. (iii) Without I.P.O. I.P.O. without post office seal. or I. P.O. for lesser amounts for unreserved candidates / OBC. (iv) Without complete / proper enclosures. (v) Unattested or self attested copies of documents (vi) Without two self addressed envelopes stamped with Rs. 2. 00 postage stamps each. (vii) Applications submitted by the candidates who do not fulfill the eligibility criteria.

8. (a) The certificates, postal order, photograph etc. received separately subsequent to the receipt of the application will not be connected with the application, such incomplete application will be rejected summarily .

Contd .....X

9. Free second class Railway pass as and when admissible is given by the Board to the candidates, who belong to SC / ST Community or who are bonafide displaced persons if and when they are called for written examination and interview test. All other candidates called for are to appear at their own cost.
10. The date and venue of the written examination and interview will be fixed by the Board and will be intimated to the eligible candidates in due course. Request for postponement of the examination/ Interview and change of centre / venue will not be entertained.
11. **CANVASSING IN ANY FORM WILL DISQUALIFY A CANDIDATE.**
12. The decision of the Board in all matters, relating to eligibility, acceptance or rejection of the application, issue of free Railway passes, Penalty for false information, mode of selection, conduct of examination, speed, practical test, interview, selection allotment of posts to selected candidates etc. will be final and binding on the candidates and no enquiry or correspondence will be entertained by the Board in this connection.
13. **MODE OF SELECTION :**  
The selection will be made on the basis of written examination, speed test/practical test, Interview etc. Merely satisfying the educational qualifications and the age prescribed itself will not constitute a right to be called for the written examination unless the candidates fulfill other conditions / requirements given in the Employment Notice.
14. The syllabus for the written examination will be generally in conformity with the educational standards and technical qualifications prescribed for the various posts. The questions will be of objective- cum- subjective nature on general knowledge, General English, General Arithmetics and the related subjects to the respective categories subject to minor variations. The written test will consist of one sitting of duration 2 to 3 hours.
15. The Railway Recruitment Board, at its discretion may hold addl. Written test(s) / Practical/ Speed test(s) and / or interview, if considered necessary, for all or for a limited number of candidates including absentees as may be deemed fit by the Railway Recruitment Board.
16. The appointment of candidates would be subject to their being found Medically fit in the appropriate Medical classification.
17. The selection of the candidates by the Railway Recruitment Board does not confer any right on the candidate for the post.
18. The Railway Recruitment Board is not responsible for any inadvertent errors in printing of the notification.
19. The Railway Recruitment Board is not responsible for any postal delay or wrong delivery.



( R. K. Barthakur )

Chairman,

RAILWAY RECRUITMENT BOARD : GUWAHATI

रेल भर्ती बोर्ड, गुवाहाटी  
RAILWAY RECRUITMENT BOARD, GUWAHATI

स्टेशन मार्ग,  
गुवाहाटी - 1

लिखित परीक्षा के लिए प्रवेश पत्र (अहस्तान्तरणीय)  
ADMIT CARD FOR WRITTEN EXAMINATION (Not Transferable)

STATION ROAD,  
GUWAHATI-1  
दिनांक :  
Date:

(प्रार्थी का नाम एवं पता) Name of the candidate & address	को.सं एवं रो.सु.सं Catg No. & E.N. No.	(पद हेतु आवेदन) Post applied for
क्रम संख्या ROLL NO.		
परीक्षा केन्द्र EXAMINATION CENTRE	परीक्षा तिथि, रिपोर्ट का समय DATE & TIME OF REPORTING	

आपना फोटो लगायें  
एवं उसपर हस्ताक्षर करें  
Affix your photograph  
and sign across it

फोटोग्राफ बिना उम्मीदवार को  
परीक्षा में प्रवेश की अनुमति नहीं  
दी जायेगी

Candidates will not be  
permitted to appear at the  
examination without  
PHOTOGRAPH

पर्यवेक्षक के सामने परीक्षार्थी का हस्ताक्षर  
Candidate's signature in presence of Invigilator

पर्यवेक्षक का हस्ताक्षर  
Invigilator's Signature

सहायक सचिव  
Asstt. Secy.

इस लाइन समेत काट दें एवं आपके रिकार्ड हेतु रखें

Please tear off along this line and retain for your record

आर आर बी, गुवाहाटी - 781 001

RAILWAY RECRUITMENT BOARD, GUWAHATI - 781 001

(प्रार्थी का नाम एवं पता) Name of the candidate & address	को.सं एवं रो.सु.सं Catg No. & E.N. No.	क्रम संख्या Roll No.	परीक्षा तिथि, Date of Examination
	परीक्षा केन्द्र Examination Centre		

कृपया पृष्ठांकन में दिये निर्दशों को पढ़े और अनुपालन करें  
Please read and follow the "Instruction" overleaf.

सहायक सचिव Asstt. Secy.

फ्री रेल यात्रा-पास

FREE RAILWAY PASS

सिर्फ अनुसुचित जाति / अनुसुचित जनजाति के लिए : यह पत्र प्रस्तुत करते पर आप

FOR SC/ST CANDIDATES ONLY : On production of this letter you are entitled to free travel by railway

स्टेशन से  
stn. to

स्टेशन तक तथा  
GUWAHATI  
stn. and back.

in second class only from

वापसी के लिए रेल द्वारा केवल द्वितीय श्रेणी में निःशुल्क यात्रा करने के हकदार हैं।

यह पास दिनांक

तक ही उपलब्ध हैं।

This pass is available upto

(प्राधिकार : रेलवे बोर्ड पत्र सं० इ (एन जी) II- 84/आर एस सी /122 दिनांक 23-11-84)

(Authority : Railway Board's letter No. E (NG) II-84/RSC/122 dtd. 23-11-84)

सहायक सचिव Asstt. Secy.

उम्मीदवार का नाम/

Candidate's Name :

पत्राचार का पूरा पता/

Full Postal Address :

## निर्देश

- यह प्रवेश पत्र किसी भी प्रकार उम्मीदवार को नियुक्ति का हक नहीं प्रदान करता।
- इस प्रवेश पत्र में उल्लिखित समय पर अपरीक्षा भवन में उपस्थित रहें। उपस्थिति लेना, बुलावा पत्रों को एकत्रित करना आदि औपचारिकताएं नमामि के पश्चात परीक्षा प्रारम्भ हो जायेगी। इन बुलावा पत्रों को बिना प्रस्तुत किये आपको परीक्षा हॉल में प्रवेश की अनुमति नहीं दी जायेगी। जब तक परीक्षा पूर्ण नहीं होती एवं केन्द्र पर्यवर्तक/निरीक्षक द्वारा निर्देश नहीं दिया जाता, आपको परीक्षा हॉल त्याग करने की अनुमति नहीं दी जायेगी।
- परीक्षाकाल की अवधि कीब 2 घण्टा होगा या जैसा कि प्रश्न पत्र/उत्तर पुस्तिका पर उल्लिखित होगा।
- परीक्षा में अपेक्षा उपयोग के सिये एक दोलं पाइन्ट पेन ले आयें।
- पुस्तकें/नोटबुकहियों आदि का उपयोग करने की अनुमति नहीं है।
- परीक्षा में या इस परीक्षा के संबंध में कोइं अनुचिन तरीका अपनाने पर, दुर्व्ववहार करने अथवा परीक्षा भवन में या इसके परिसर में अशान्ति करने पर उम्मीदवार को अयोग माना जायेगा।
- किसी एक उम्मीदवार की या सभी उम्मीदवारों की सम्पूर्ण परीक्षा फिर लेने का आदेश देने का रेल भर्ती बोर्ड को अधिकार है।
- रेल भर्ती बोर्ड के समक्ष गलत सूचना प्रस्तुत करने या किसी अपेक्षित तथ्य को छिपाने से उम्मीदवार अयोग घोषित कर दिया जायेगा और उसे रेलवे में या अन्य किसी सरकारी पद पर नियुक्ति हेतु चयन या परीक्षा में सम्बंधित होने से वंचित कर दिया जायेगा तथा पता लगाने पर ऐसे उम्मीदवारों की नियुक्ति हो जाने पर भी सेवा समाप्त कर दी जायेगी।
- एक ही पद हेतु उम्मीदवार ने यदि एक में अधिक बुलावा पत्र प्राप्त किया हो तो उम्मीदवार बुलावा पत्र में उल्लिखित केवल एक परीक्षा केन्द्र में उपस्थित हों एवं शेष सभी बुलावा पत्रों को निरीक्षक के पास भाग कर दे।
- किसी परिस्थिति में परीक्षा स्थान/केन्द्र परिवर्तन की अनुमति नहीं दी जायेगी।
- यह भी नोट कर लें कि अन्य मामलों में नियोजन सूचना में ही दी गयी शर्त आदि लागू होती है।
- सभी मामलों में रेल भर्ती बोर्ड का निर्णय अन्तिम होगा।
- ऊपर दिये गये स्थान पर आप अपना नाम एवं पता लिखें।
- परीक्षा हॉल छोड़ने के पहले उम्मीदवार को प्रश्न पत्र, उत्तर पुस्तिका/ओ.एम.आर. शीट निरीक्षक को सुपुर्द कर देना होगा।

## INSTRUCTIONS

- This call letter does not by itself give any entitlement whatsoever for any appointment on the Railways.
- The candidate should report at the examination hall punctually at the time mentioned in this call letter. The Examination shall commence after formalities like checking, attendance, collection of call letters etc. are completed. The candidate will not be allowed to enter the examination hall without producing this call letter. He/She will not be permitted to leave the examination hall before the examination is over and the Centre Supervisor/Invigilator has given direction to leave.
- The duration of the examination will be about 2 hrs. or as mentioned on the question paper/answer booklet.
- You should bring with you a ball point pen for your own use.
- Use of any books, notebooks etc. is not permitted. Calculators are not permitted.
- Resorting to any unfair means in or in connection with this examination, misbehaviour by candidate causing disturbance in the examination hall will disqualify the candidate.
- The RRB reserves the right to order re-examination in the case of any candidate or all candidates.
- Furnishing any false information to the RRB, or deliberate suppression of any information will at any stage of its detection, render the candidate liable for being disqualified and debarred from appearing at any selection or examination for appointment on the Rlys or to any other government service and if appointed the service of such candidate is liable to be terminated.
- If the candidate has received more than one call letter for a single category the candidate should appear only at one of the centres mentioned on the call letters and submit rest of the call letters to the Invigilator.
- No change of venue/centre for the examination will be permitted under any circumstances.
- It may be noted that in other matters the terms, conditions etc. stated in the employment notification shall prevail.
- Decision of RRB in all matters will be final.
- Write your name and address in the space provided on the top margin.
- Before leaving the examination hall candidate must submit to the Invigilator the question booklet and answer/OMR SHEET.

ANNEXURE-II

P.R.B. (गोपनीय) 275-I  
20,000-1989 (D.S.K.) IV



पारत सरकार

रेल मंत्रालय

(रेलवे बोर्ड)

GOVERNMENT OF INDIA

MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

भारतीय रेल स्थापना फैसल,

भाग I

(संशोधित संस्करण-1989)

INDIAN RAILWAY ESTABLISHMENT MANUAL  
Volume I

(Revised Edition-1989)

PRICE { देश में / Inland : Rs. 45.00  
विदेश में / Foreign : £ 1.73 or \$ 2.69

7X

b5

considered necessary and which may be of help in conducting the interviews, should be sent to non-Officials whenever co-opted as members of the Interview Board.

113. The names of successful candidates who are recommended by the Railway Recruitment Boards or selected by the Railway Admn. themselves for appointment on Indian Railways will be exhibited on notice boards, in the Recruitment Board's office, Employment Exchange concerned and published as "news item" in the newspapers free of cost as also by the Railway Administrations in their Divisional and Headquarters offices. Selection of a candidate by a Board or a Railway administration is, however, no guarantee of employment on the railway which is subject to his qualifying in the prescribed medical examination and to his being otherwise suitable for service under Government.

114. Power to relax or modify rules.—The General Manager or the Chief Administrative Officer, may, in special circumstances and for reasons to be recorded in writing, relax or modify these rules in specific individual cases. They can also issue orders for deviations from these rules in respect of certain categories or on certain occasions provided such relaxations are purely on a temporary basis. Railway Board's prior approval is however, required to long term or permanent alteration of the rules.

This power should be exercised by the General Manager or his Chief Personnel Officer, or the Chief Administrative Officer personally; but it shall not be otherwise redelegated.

115. Relaxation of the age limit.—The following relaxations of age limit are permissible:—

- (i) By five years in the case of Scheduled Castes and Scheduled Tribes.
- (ii) Upto ~~three~~ years (including apprentice categories) in respect of serving Railway employees applying for direct recruitment to initial categories and upto ~~five~~ years for posts in the intermediate categories.
- (iii) Group 'D' employees applying for recruitment to Group 'C' posts or as apprentices being allowed relaxation to the extent of service in Group 'D' but in any case not

exceeding 10 years and also subject to a ceiling limit of 30 years for apprentice categories.

- (iv) For direct recruitment to all Group 'C' and Group 'D' vacancies, serving employees who have put in three years continuous service on the Railways will be given age relaxation to the extent of service put in, subject to upper age limit of 35 years not being exceeded, Similar age concession will be applicable to such of the casual labour/ substitutes as have put in three years continuous or in broken spells.
- (v) Upto 45 years in respect of displaced persons who migrated to India from East Pakistan now Bangladesh) on or after 1st January 1964 for Group 'C' and Group 'D' posts and upto 30 years for apprentice categories. The above age limits are further relaxable by five years in respect of such displaced persons belonging to Scheduled Castes and Scheduled Tribes.
- (vi) Existing age concessions allowed by specific instructions of the Railway Board for specified category/categories of posts will continue to apply.
- (vii) A candidate who is within the minimum and maximum age limits on a particular date mentioned in the employment notice issued by a Railway Recruitment Board may be treated as eligible for appointment against a post on the Railway concerned even though the person concerned may have exceeded the maximum age limit on the date of actually joining an appointment.

116. Employment of physically handicapped persons.—Recruitment of physically handicapped persons in identified Group 'C' and Group 'D' posts will be regulated in terms of separate instructions issued by the Railway Board from time to time. There will be a reservation of vacancies @ 3% (1% each for the Blind, the Deaf and the Orthopaedically handicapped) for recruitment of physically handicapped persons the actual employment of selected candidates being in identified Group 'C' and Group 'D' posts in the Railway services.

#### Sub-Section III—Recruitment and Training

117. The position indicated regarding normal channels of promotion in the following paragraphs in

(156)

ANNEXURE - IV

66

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RAILWAY BOARD

NO.E(NG)II/2001/RR-1/60/Ciii *General Manager* New Delhi, dt. 14.9.2001

Date 21.9.2001

The General Manager (P)  
N.F. Railway  
Guwahati.

पूर्णो रेलवे, मन्त्रालय, गुवाहाटी  
N. F. Railway  
Majlis-e-Uloom, Guwahati

Sub:- Selection by RRB of Shri Pradip Kanti Roy for the post of  
JE-II(Diesel Mech.)

Ref:- N.F. Railway's letter No.E/261/Sec/Mechanical(Loose)  
dated 1.8.2001

The proposal as contained in your Railway's letter quoted above has been considered by the Board and it has been decided that the proposal cannot be agreed to as the candidate did not possess the requisite qualification as mentioned in the notification at the time of applying for the post. Board also desire that it may be confirmed that there is no other case of similar nature in the said panel of JE-II (Diesel/Mech.)

*Chhikara*  
14/9/2001  
(Devika Chhikara)

Executive Director Establishment(N)  
Railway Board.

अधिकारी OFFICER	
Ch.O	Ch.O 24/9/2001
Ch.O/A	Ch.O/A 24/9/2001
DY.H.O	DY.H.O 24/9/2001
AP.O/m/s	AP.O/m/s 24/9/2001

① The post concerned has already  
filled as case in the file CAT/Ghy.  
② for giving P.W.C. this is to be  
sent to Add. Secy / RRB.

*S.*  
AP.O/m/s  
26.9.01

~~CONFIDENTIAL~~

No. Z/VIG/68/3/20/99

Office of the  
Chief Vigilance Officer  
Maligaon, dated 7/3/2000.

To

Chief Personnel Officer,  
N.F.Railway,  
Maligaon.

Sub:- Investigation of a complaint on  
recruitment of Apprentice Mechanics  
(DSL/Mechanical) conducted by R.R.B./  
Guwahati.

1.0. A complaint was received by Vigilance alleging that the candidature of one Shri Pradip Kanti Roy who applied for the post of Apprentice Mechanic(DSL/Mech) against Employment Notice No. 1/96, Category No.2 was entertained even though not eligible for the above post on the date of submission of the application forms to RRB/Guwahati.

2.0 As per Employment Notice No. 1/96 dated 20.05.96, readvertised on 25.04.97, the candidates were to submit their application forms within 31.05.97 alongwith requisite enclosures. One of the conditions of eligibility for submission of applications under NB(ii) Page-VII was as under:-

*(Incident related to the  
Recruitment notice to the  
Vigilance Officer, RRB, Guwahati  
not be deleted)*  
THE CANDIDATES MUST HAVE ACQUIRED THE ESSENTIAL  
QUALIFICATIONS AS LAID DOWN AT THE TIME OF  
SUBMISSION OF APPLICATION. CANDIDATES WHO HAVE  
YET TO APPEAR AT THE EXAMINATION AND WHOSE  
RESULTS ARE WITHHELD OR NOT DECLARED ARE NOT  
ELIGIBLE TO APPLY".

3.0. But, in case of Shri Pradip Kanti Roy the investigation has revealed that at the time of submission of application dated NIL the diploma certificate in Mechanical Engg. was not submitted by him and he submitted the concerned certificate on the day of Viva-voce i.e.

10.03.98. It is also revealed that Shri Pradip Kanti Roy passed his final exam. of diploma in Mech.Engg. in August/97 and collected his diploma certificate and marksheets on 04.08.97 i.e. about three months after the closing date of the submission of application for the post of Apprentice Mechanic. The above fact has also been admitted by the candidate himself during investigation. As per notification Shri Pradip Kanti Roy was not eligible for submitting his application and further written test etc. But, it has been found that his application was considered by the then Chairman/RRB irregularly and subsequently he was recommended for recruitment.

4.0 As certain records like call letter register containing Roll No. etc. are not available in RRB's office and the Chairman was a non railway man (political nominee), staff responsibility could not yet be fixed.

5.0. The above position is being brought to your notice for necessary action as per extant rule.

6.0. This letter is issued with the approval of CVO/NFR.

*IC/IC respn*

(K.K.Neogi)

for Vigilance Officer (A/cs)  
General Manager (Vigilance) / ML

2/2001

Before the Central Administrative Tribunal

Guwahati Bench :: Guwahati

Filed by  
Pradip Kanti Roy  
Through  
A K Goswami, Advocate  
21/4/02

In the matter of :

O.A. No. 334 of 2001

Shri Pradip Kanti Roy

....Applicant

-Vs-

1. Union of India & Ors

...Respondents

-And-

In the matter of :

A reply filed on behalf of  
the applicant to the Written  
statement filed on behalf of  
the respondents.

The applicant begs to state as follows :

1. That a copy of the written statement filed by the respondents has been served on the applicant's Counsel and the applicant, having gone through the same, has understood the contents thereof.
2. That all statements made in the written statements which are not specifically admitted herein below and those which are contrary to the records, shall be deemed to be denied.

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3. That with reference to the statements made in paragraphs 1 and 2, the applicant offers no comment.

4. That the statements and allegations made in paragraphs 3 are not correct and the same are hereby denied. It is stated that the applicant had cleared all but one paper of the final year prior to 1997 and appeared for the final in one back subject in March, 1997. The applicant thereafter bonafide submitted his application on 30.5.97 and therewith <sup>ANNEXED</sup> the "Appeared Certificate" issued by the Principal of Silchar Poly technic, Meherpur. Subsequently, a provisional pass certificate was issued to the applicant on 23.6.97. It is relevant to state that the pass certificate was issued prior to the call letter dated 18.8.97 for written test. The allegations that the application is barred under the principles of acquiescences and that the applicant submitted the application knowing that he was ineligible to apply are not correct and the same are hereby denied.

5. That the allegations made in paragraphs 4, 5 and 7 are not correct and the same are hereby denied. It is stated that the rights of the applicant has been violated and the intervention of this Hon'ble Tribunal is sought for redressing the grievances of the petitioner.

6. That the allegation made in paragraph 6 of the written statement that the applicant has no

valid cause of action is false and are hereby denied. It is stated that the applicant successfully completed the written test held on 31.8.97 and the viva voce held on 21.2.98 and vide letter dated 5.8.98 issued by the General Manager (P) the applicant was informed of his selection for the post of Trainee Apprentice Mechanic (DSL/Mech). Subsequently vide order dated 24.8.98 issued by the General Manager (P) the applicant was appointed temporarily as Trainee Apprentice Mechanic (DSL/Mech). It is relevant to state that the applicant actually underwent training as Trainee Apprentice Mechanic (Workshop) for a period of 1½ years and the applicant successfully completed training on 28.2.2000. Thereafter by the order dated 28.2.2000 issued by the Principal/STC/NBO, the applicant was also spared for further posting which, however, was not forthcoming. As such it is not correct as alleged that no cause of action or right for appointment has arisen in favour of the applicant and that the applicant's eligibility for appointment is incorrect and is based on wrong premises. It is also stated that the case of the petitioner ought to be viewed keeping in mind the facts and circumstances of the case.

7. That with reference to the statements made in paragraph 8 of the written statement, the statements made in paragraphs 4(a) to 4(i) of the application, are reaffirmed and reiterated.

8. That with reference to the statements made in paragraph 8(i) and 8(ii) of the written statement, it is stated that the applicant bonafide believed that he was eligible to apply for the post of Apprentice Mechanic. As such the applicant submitted his application along with the "Appeared Certificate" issued by his Principal. It is relevant to state that as per point 8 of the Employer Notice no.1. 1.8.96 it was stated that :

" 8. INVALID APPLICATION :

The applications which suffer from the following deficiencies/irregularities will be summarily rejected..... point(vii) Applications submitted by the candidates who do not fulfill the eligibility crieteria."

As the petitioner's application was not summarily rejected, but rather call letters for written test and viva-voce were issued, the applicant did not have the slightest doubt that his application was in any way insufficient or irregular. It is stated that the applicant was issued a provisional pass certificate on 23.6.97 which was duly submitted much before the issuance of the call letter dated 1.8.97 for written test. Subsequently, the applicant also underwent training for 1 1/2 years. It is denied as false that the applicant from the initial stage had known that he was ineligible to apply. It is stated that the applicant had already spent a substantial amount of time in the

entire selection process and has also successfully completed training for a period of 1 1/2 years in the Railways. It does not lie on the mouth of the respondents to now plead any error on their part as a justification to penalising the applicant. The applicant <sup>ALLEGED</sup> cannot be made to suffer for any lapse ~~alleged~~ on the part of the Railway administration and the respondents are misusing the term "Public interest" and "national interest" to cover up for their own error. It is not correct as alleged that no right has accrued in favour of the applicant. It is stated that as a model employer, it is incumbent on the respondents to act fairly and all the times spent by the petitioner on training and ancillary activities cannot be wished away or ignored. It is stated that while ordinarily there may be no illegality in correcting a mistake in the facts and circumstances of the case, the same cannot be done to the prejudice of the applicant and in violation of his rights. A copy of the provisional passed certificate is annexed hereto and is marked as Annexure-VI.

9. That with reference to the statements made in paragraph 8(iii) of the written statement the statements made in paragraphs 4(h) of the application are reaffirmed and reiterated. It is stated at the cost of repetition that the applicant cannot be made to suffer for errors and lapses on the part of the Railway authorities. It is stated that as per clause 18 of the agreement, on successful completion of the

apprenticeship, the applicant was required to serve the railway administration for at least 5 years.

10. That with reference to the statements made in paragraph 8(iii) of the written statement, it is stated that the applicant had been issued a provisional pass certificate on 26.3.97 well before the issuance of the call letter and there were no indication whatsoever from the authorities that the applicant's application was in any insufficient or improper. As such there were no question of the applicant not taking part in the selection process. It is denied as incorrect that the applicant was not eligible for applying for the post and the applicant was not aware of this,

11. That with reference to the statements made in paragraph 8(v) of the written statement, it is stated that the applicant having been issued a provisional pass certificate on 23.6.97, well before the issuance of call letter dated 1.8.97 and the applicant having also successfully completed training for 1 1/2 years under the Railways, the applicant has acquired the right and is entitled to further posting under the railways.

12. That with reference to the statements made in paragraph 9 of the written statements, it is stated that as an instrumentality of the state, Indian Railways is required to act fairly and cannot ignore the rights accrued to the applicant or penalise the applicant for its own mistakes. In this context, further submission shall be made at the time

.....

of hearing.

13. That with reference to the statements made in paragraph 10 and 11 of the written statements, the statements made in the paragraphs 4(j), 4(k), and 4(l), 4(m) of the application are reaffirmed and reiterated. It is denied as false that "the facts that he lacked eligibility for the post on 31.5.97 remains un-rebutted". It is stated that in the facts and circumstances of the case, the petitioner is entitled to further posting. It is also stated that contentions raised by the respondents regarding non-fulfilment of eligibility criteria and the consequences thereof are not tenable in the eye of law as well as in facts.

14. That while denying the statements made in paragraphs 12 and 14 of the written the statements made in paragraphs 5, 8 and 9 of the application are reaffirmed and reiterated.

15. That with reference to statements made in paragraph 13 of the written statement, it is stated that the Railway Board illegally and arbitrarily rejected the representation of the applicant.

16. That the statements made in paragraph 15 of the written statement are denied and as such statements are repetitions of statements made in

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earlier paragraphs, the same are not dealt with herein detail.

17. That the statements and contentions raised in paragraphs 16 to 20 of the written statement are not correct and are not tenable. The applicant having made out a case for interference by the Hon'ble Tribunal, the Hon'ble Tribunal may be pleased to grant relief as prayed for.

01

Verification

I, Sri Pradip Kanti Roy, son of  
Naresh Chandra Roy, aged about 27 years, resident of  
Behra Bazar, P.O. Tarapur, Silchar-3, Assam, do hereby  
verily verify that all the statements made in this  
reply to the written statement are true to my  
knowledge and belief and I have suppressed no  
material fact.

And I sign this verification on this  
the 1st day of April, 2002, at Guwahati.

Pradip Kanti Roy

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GOVERNMENT OF ASSAM.

OFFICE OF THE PRINCIPAL :: SIELCHAR POLYTECHNIC :: MEHERPUR ::

PROVISIONAL

CERTIFICATE

This is to certify that Shri/Smt. Pradip  
Kanti Roy Roll No. S/M-91022  
appeared from this Institute and passed the Final Diploma  
Examination in Civil/Elect/Mech/Electronics & Telecom Engg.  
as conducted by the State Council for Technical Education  
Assam, Guwahati-19 in the year 1997. His/her overall  
marksheet securing Class obtained will be issued after  
receiving the same from the Controller of Examinations,  
S.C.T.E. Guwahati-19.

While he/she was a student of this Institute  
his/her character & conduct were found to be good.



*8/23/97*  
Principal,  
Silchar Polytechnic, Meherpur,  
Cachar, (Assam). Pradip.

*Marked to receive on  
11/10/97  
R. D. S. G.  
11/10/97*