

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 408 of 2003

Indore, this the 29<sup>th</sup> day of September, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Jai Prakash Mishra,  
S/o Shri Chinta Mani Mishra  
R/o Q.No.169/A, Type IV  
D.L.W Colony,  
Varanasi(Up) - 221004

APPLICANT

(By Advocate - Shri Samdarshi Tiwari)

VERSUS

1. Union of India,  
through, the Ministry of Railways,  
Rail-Bhavan, New Delhi.

2. The Chairman,  
Railway Recruitment Board,  
D-15, Machna Colony,  
Near Bus Stop No. 6,  
Shivaji Nagar, Bhopal-16,  
Bhopal(Mp) - 462016.

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R

By Madan Mohan, Judicial Member -


By filing this OA, the applicant has sought the following main reliefs :-

"(1) Command the respondents to issue letter of appointment in favour of the applicant pursuant to the selection process already carried out under the employment notice dated 8.5.99 empanelling him against the post Apprentice Section Engineer (Telecom) in their establishment.

(1)-B. quash the order dated 3.12.1999 issued by the respondent no.1 Annexure A/16".

2. The brief facts of the case are that the respondent No. 2 had published an advertisement/employment notice for recruitment of staff in Railways under various categories including the recruitment for the post of App, Section Engineer (Telecom.) in Grade Rs. 6500-10500/-, vide notice dated 8.5.1999. According to the category No. 2 in the advertisement the qualification provided is a Degree in Electronics/Telecommunication/Electrical Engineering or

equivalent or M.Sc. (Physics) or equivalent with one paper in Electronics/Modern Physics. The applicant having possessed the M.Sc (Physics) with 2 papers in Advanced Electronics was fulfilling the minimum educational qualification prescribed for the post of App. Section Engineer (Telecom.). The prescribed qualification was envisaged in paragraph 148(4)(1) of IREM Vol. I (1989 Edition). The respondents were following this requisite qualification for making the recruitment on the similar posts in their establishment as prescribed under the IREM without any deviation till 2001<sup>i.e.</sup> when the amendment was incorporated/ notified in the official gazette. Composite application was submitted by the applicant<sup>for</sup> seeking his appointment for both the categories 1 and 2<sup>advertised</sup> for Central Railways. His application was approved by the Board and he was issued the admit card. The applicant participated in the written test on 1st August, 1999. He was informed<sup>about</sup> his result through telegram and speed post. The applicant was shocked when another final result was published on 30.5.2000 showing empanelment of 1 candidate of un-reserved category for the post of App. Section Engineer (Signal) and 2 other candidates of un-reserved category for the post of App. Section Engineer (Tele.) against which the applicant was duly selected. The name of the applicant was not shown in the said final results. The action of the respondents in failing to provide appointment to the applicant on the alleged post after due verification of his testimonials and due selection is illegal and arbitrary. It was incumbent upon the respondents to issue the letter of appointment in favour of the applicant for the post against which he was duly selected. The applicant was never informed about the rejection by the respondents as to on what grounds he has not been found fit for appointment. The respondent No. 1 had cancelled the indent of the posts of App. Section Engineer (Tele.)<sup>in respect of Central Railway</sup> vide



order dated 3.12.1999 which was addressed to the respondent No. 2. It was wrong on the part of the RRB to have accepted an indent from Central Railway quoting incorrect qualifications. It is submitted that the respondent No. 1 did issue that order without application of mind and without appreciating the legal preposition. Infact the central Railway had quoted the qualification for such indent rightly in accordance with the statute i.e. para 148(4)(1) of IREM, Vol. I which stood unamended till 2001.

3. Heard the learned counsel for the parties and perused the records carefully.


4. It is argued on behalf of the applicant that the applicant applied for the category Nos. 1 and 2 in compliance with the advertisement dated 8.5.1999. He fulfilled the minimum qualification for the said post. He was duly selected for that post and his testimonials were also verified but his final appointment was denied on the illegal grounds that the qualification mentioned for the aforesaid post in Central Railway were not correct while these qualifications in South Eastern Railway are correct and different from the Central Railway Recruitment. The applicant is no where at fault and according to IREM para 148(4)(1) he possessed the requisite qualifications.

5. In reply the learned counsel for the respondents argued that in the advertisement itself two separate set of qualifications were meant for Central Railway and that meant for South Eastern Railway. The applicant applied for the post of Central Railway. The Railway Recruitment Control Board, New Delhi cancelled the exam to be conducted against the indent of Central Railway vide its letter dated 3.12.1999.



In the said letter it is quoted that the qualification were incorrect whereas the qualifications mentioned by the South Eastern Railway was correct. The respondents have also stated that there was an amendment in respect of qualification in the recruitment rules for the alleged posts in the year 1991. In terms of the amended recruitment rules the qualification required for the alleged post was given as M.Sc. (Electronics), whereas in the earlier rules it was M.Sc. (Physics). Therefore the Railway Recruitment Control Board directed that the number of vacancies may be reduced to the number indented by South Eastern Railway alone. As regards the indent of Central Railway should be treated as cancelled and the Railway be addressed to re-indent with correct qualifications. The final result dated 30.5.2000 was only in respect of South Eastern Railway and not for the Central Railway. Hence, the question of the name of the applicant appearing in this result does not arise.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the respondents have specifically stated that they have amended their recruitment rules in the year 1991 by which the qualification required for the alleged post was made as M.Sc. (Electronics) instead of M.Sc. (Physics). The respondents Central Railway have not incorporated this qualification while notifying their vacancies. However, before the result of the selection could be finalised by the Railway Recruitment Board, they have detected this mistake and they have accordingly cancelled the selection in respect of the Central Railway for the post of Apprentice Section Engineer (Tele.). None of the candidates from that panel has been selected. The vacancies have been re-



advertised by the Central Railway. Thus, no discrimination has been meted out to the applicant. In this view of the matter we do not find any infirmity in the action taken by the respondents and accordingly, this Original Application is devoid of merits and is liable to be dismissed.

7. Accordingly, the Original Application is dismissed.  
No costs.

Sd/-

(Madan Mohan)  
Judicial Member

Sd/-

(M.P. Singh)  
Vice Chairman

पृथक् सं ओ/न्या...जबलपुर, दि...

बतिलिपि अवधि:-

- (1) सचिव, रेल न्यायालय का एग्जिक्यूटिव, जबलपुर
- (2) आवेक की/श्री/श्री/...के काउंसल
- (3) प्रवर्तक/श्री/श्री/...के काउंसल
- (4) संलग्न, श्री/श्री/...के काउंसल

सूचना एवं आवश्यक कार्रवाई की

उप रजिस्ट्रार

Shrisamdarshi Tiwari HC JBP  
Shri. Chandra Banarjee HC JBP

Issued  
On 4-10-04  
BS