

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 843/1997

Khimma, S/o. Halkey, aged 34 years, working as Helper Khalasi Gr 800-1150, Under Sr Divisional Electric Engineer-Electric Shed-Itarsi, R/o. Itarsi Railway Colony - Distt. Hoshangabad, M.P.

... Applicant

V e r s u s

1. Union of India through General Manager, Central Railway, Mumbai CST.
2. Divisional Railway Manager, Central Railway, Bhopal.
3. Senior Divisional Electrical Engineer Electric Loco Shed-Central Railway, Itarsi M.P.
4. Bhure Lal, S/o. Jaggannath, Helper Khalasi, T. No. 878, C/o. Sr. DEE (TRS)-Electric Loco Shed - Itarsi - M.P.

... Respondents

Counsel :

Shri M.R. Chandra for the applicant.
None for the respondents.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R
(Passed on this the 7th day of February 2003)

By Hon'ble Shri Justice N.N. Singh - Vice Chairman :-

The learned counsel for the respondents did not appear inspite of our orders for argument. On 17/12/2002, the matter was heard according to the procedure laid down under Rule 15(1) of CAT (Procedure) Rules with the help and assistance of learned counsel for the applicant.

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2. The applicant is aggrieved by his non-selection for the post of Compressor Pump Operator and has prayed for setting-aside the selection of respondent No. 4 from the select list and to consider the claim of the applicant against the post reserved for Scheduled Caste quota.

3. The case of the applicant is that he was appointed as a Daily Rated Casual Labour in Railway Electrification Organisation at Bhopal on 20/11/1986 and was given temporary status from 20/11/1987 in the Grade of Rs. 750-940 and thereafter he was promoted to higher post in the grades of Rs. 800-1150 and 950-1500 in Railway Electrification Organisation against work charged posts. It was further claimed that the applicant was absorbed regularly in the grade of Rs. 750-940 in Traction Rolling Stock (to be referred as TRS) with effect from 16/08/1993 and was posted in Electric Loco Shed, Itarsi and thereafter he was promoted to grade of Rs. 800-1150 in TRS, Itarsi with effect from 09/04/1996 and is working there since then.

3.1. The case of the applicant is that a circular dated 09/09/1996 (Annexure A/2) was notified for filling up the vacancies of Artisans in the grade of Rs. 950-1500 from amongst the serving employees of TRS in ^{the} grade of Rs. 800-1150. The applicant claimed to have submitted his option for the post of Compressor Pump Operator which was notified for 6 posts, (5 for General Category and 1 for Scheduled Caste category). It was further claimed that finding eligible for screening, the name of the applicant appeared at serial No. 18 as Scheduled Caste candidate and he was screened alongwith others by Assistant Electrical Engineer (TRS), Itarsi and as he had been in Compressor

Section since 1993 of Mill Wright Cadre, he fared well but in the declared result of his screening (Annexure A/1) respondent No. 4 Bhure Lal, s/o. Jaggannath, who/belonged to Scheduled Tribe community, was considered suitable as Scheduled Caste candidate and was ordered to undergo training with effect from 01/11/1997. The grievance of the applicant is that there was no quota for Scheduled Tribe candidate and yet respondent No. 4 who was Scheduled Tribe candidate was selected treating him as Scheduled Caste as the applicant candidate where/ had a rightful claim to be considered against the post reserved for Scheduled Caste candidate and the respondents had no valid reason to ignore his claim against the post reserved for Scheduled Caste candidate by selecting a Scheduled Tribe candidate against the Scheduled Caste quota. The applicant claimed to have filed representation dated 04/11/1997 (Annexure A/4) but nothing was done and hence this original application.

4. The respondents No. 1, 2 and 3 contested the claim of the applicant by filing reply in which it was asserted that the selection was conducted as per procedure laid down for such selection. It was also admitted that on 09/09/1996 (Annexure A/2) a circular was issued to fill up in the the vacancies of Artisans/Grade of Rs. 950-1500 (RPS) from employees working in TRS Grade of Rs. 800-1150 (RPS). It was also admitted that the applicant had submitted his option for the post of Compressor pump Operator which was notified for 6 posts, 5 for general category and one for Scheduled Caste category and that the applicant was found eligible as per list circulated on 03/04/1997 (Annexure A/3), but in the final result of screening (Annexure A/1), respondent No. 4, alongwith others was considered suitable candidates. It was also admitted that there was no quota

for Scheduled Tribe candidate. According to the respondents the entire claim of the applicant was mis-conceived and infact respondent No. 4 was a member of general category as per record (Annexure R/1). It was made clear that in Annexure A/1 dated 24/10/1997 at serial No. 4 the name of respondent No. 4 Bhure Lal, S/o. Jaggannath was wrongly shown as candidate belonging to Scheduled Caste category. It was pointed out that the moment mistake came to the knowledge of the respondents, a Corrigendum letter No. EPL/P/Artisan/TRS/II of 22/10/1997 (Annexure R/2) was issued, clearly mentioning therein that the respondent No. 4 was a member of general category and he was considered and selected as a candidate of general category and the post of Scheduled Caste quota remained vacant due to non-availability of suitable candidate. It was asserted that typographical mistake did not confer any right to the applicant and that the whole case of the applicant was totally mis-conceived. On these grounds it was prayed to dismiss the application of the applicant.

5. A rejoinder was filed by the applicant raising specific plea that selection was not conducted as per the provisions laid down in IREM and that there was only one man screening committee and no trade test or written test was conducted.

6. We have heard learned counsel of the applicant and have gone through the records. The admitted case is that the applicant was appointed as Daily Rated Casual Labour in Railway Electrification Organisation at Bhopal and that he was allotted temporary status with effect from 20/11/1987 and that he was promoted to higher grade of Rs.

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promotion from Group-D to Group-C, passing in the test was a must (as per R.B.E. No. 23/98, dated 2-2-1998 and Rule 187 of I.R.E.M.).

6.2. From perusal of Annexure A/3 it appears that the most applicant was not even the senior/among SC candidates and his whole case depended on the assumption that respondent No. 4 belonging to ST category, was selected as SC candidate. This ground failed when Corrigendum was issued showing respondent No. 4 as general candidate. No other SC candidate was selected junior to the applicant to make out a case of discrimination. As the applicant was not found suitable for selection as SC candidate, the applicant has no case.

7. In the result finding no merit in this application, this original Application is dismissed but without any order as to cost.

(Signature)

(R.K. UPADHYAYA)
MEMBER (A)

(Signature)

(N.N. SINGH)
VICE CHAIRMAN

"SA"

प्रांक्षण सं अ/व्या..... जबलपुर, दि.....
प्रतिविधि नामे दिन:—
(1) रामेश, उत्तर द्यामारा वार एसोसिएट, जबलपुर
(2) अमरेश, एसोसिएट/कु..... दे काम्पस
(3) रामेश, एसोसिएट/कु..... दे काम्पस
(4) कंपनी, नाम, जबलपुर वारापुरी
संस्था एवं अवश्यक कार्यालयी हैं।

Mr. Chandra Dutt
S. S. Singh Dutt

(Signature)
उप सचिव
(10/2/03)

Issued
on 10.2.03