

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 121/2006

Date of order: 28.1.2010

CORAM:

**HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER**

Ram Swaroop S/o Shri Heera Lal, by caste Meena, aged about 44 years, resident of Quarter No. L-99G, Loco Colony, Jaipur, presently working as Khamsoo in the office of Loco Forman, North Western Railway, Jaipur.

...Applicant.

Mr. P.N. Jatti, counsel for the applicant.

VERSUS

1. Union of India through the General Manager, Department of Railway, North Western Railway, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.
3. The Senior Divisional Mechanical Engineer (Power) O/o S.R.M. North Western Railway, Jaipur.
4. The General Manager, R.D.S.O., Manak Nagar, Lucknow.
5. Shri Om Prakash S/o Kanhiya Lal, Call Boy, O/o Loco Forman, North Western Railway, Jaipur.
6. Shri Chhaju Ram S/o Shri Sohan Lal, Call Boy, O/o Loco Forman, North Western Railway, Jaipur.

... Respondents.

Mr. S.C. Purohit, counsel for the respondents No.1 to 4.
None present for respondents No.5 & 6.

ORDER

(Per Hon'ble Dr. K.S. Sugathan, Administrative Member)

The applicant was appointed in the Railways as Coalman (Picker) on 03rd June, 1989. He was declared as a surplus employee and redeployed as Box Boy on 24.11.1994. The redeployment was a consequence of phasing out of Steam Engine in the Railways. Thereafter, the Steam Engine surplus staff were considered for conversion training as Diesel Assistant as per Scheme dated 07.05.1997 (A/3). The selection for conversion training was on the basis of a written as well as psychological test. The applicant passed the written test but in the Psychological test held on 22.12.2005 he could not pass. As a consequence, his name was not sponsored for the conversion training. The applicant has assailed the order by which those employees who passed both the tests were sent for conversion training and has sought the following reliefs:

- 8.1 That by a suitable writ/order or the direction the impugned order vide Annexure A/1 be quashed and set aside and further the respondents be directed to add the name of the applicant in the selection list and be sent for the training of the Diesel Assistant and be appointed before the junior candidates as per the order on the subject.
- 8.2 Answer Sheets of Psychology be called for the kind perusal as the paper has been solved correctly."

2. The respondents have contested the prayers in the Original Application and stated in their reply that as per the scheme implemented by them Steam surplus employees having the requisite eligibility are considered for redeployment as Diesel

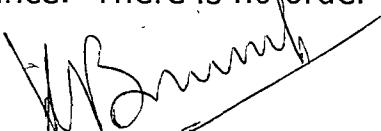
Assistant after a process of conversion training but before selecting for conversion training they have to undergo a written test and psychological test. The applicant did not clear the psychological test and, therefore, he was not sponsored for the conversion training. The aforesaid tests are necessary for reasons of safety.

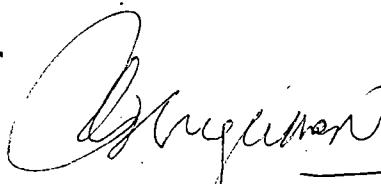
3. We have heard the learned counsel for the applicant Shri P.N. Jatti and learned counsel for the respondents Shri S.C. Purohit. We have also perused the records carefully. It is not disputed that the applicant has failed in the psychological test and as a consequence his name was not sent for conversion training which is a pre-requisite for redeployment as a Diesel Assistant. These pre-requisites have been laid down in the interest of safety. The scheme does not provide for automatic absorption of the Steam surplus staffs as Diesel Assistant without going through the screening process. Under these circumstances, the relief claimed by the applicant cannot be accepted. However, during the course of hearing on 19.01.2010, the learned counsel for the applicant submitted that as requested by the applicant on 24.02.2006 one more chance may be given to him to appear in the psychological test. Thereafter, the learned counsel for the respondents produced a copy of the office order dated 06.02.2008 which lists the names of the employees who passed the written test held on 25.08.2007 for the redeployment of Steam surplus staffs as Assistant Loco Pilot. That list also contains the name of the



applicant at Sl. No. 1. The applicant's name does not figure in the provisional panel notified by letter dated 18.06.2008 presumably because he did not pass the final test conducted on 12.03.2008. Neither party to the controversy has produced any guidelines prescribing the maximum number of chances that a surplus employee can be given for passing the selection test. The applicant is only pressing for one more chance to be given; we therefore consider it appropriate to dispose of this Original Application with a direction to consider the request of the applicant for giving one more chance to appear in the relevant test.

4. For the reasons stated above, this Original Application is disposed of with a direction to the respondents to consider the request of the applicant for giving one more chance to appear in the test if the existing rules do not bar the giving of additional chance. There is no order as to costs.


(DR. K.B. SURESH)
JUDICIAL MEMBER


(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER

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