

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 20th day of April, 2011

Original Application No.356/2008

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Ajay Kumar Sharma
s/o Shri Ganga Lehri Sharma
r/o B-54, Green Park Colony,
Gudha Road, Bandikui,
Presently working as
Enquiry Cum Reservation Clerk (ECRC)
at Railway Station, Banasthali Niwai
(Jaipur)

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through General Manager,
North Western Railway,
Jaipur
2. Divisional Railway Manager,
North West Railway,
Jaipur

.. Respondents

(By Advocate: Shri N.C.Goyal)

ORDER (ORAL)

The present Original Application has been filed against the order dated 30.5.2008 issued by the Divisional Railway Manager, Jaipur. Challenging the aforesaid impugned order, the applicant prays that the respondents be directed to transfer the applicant from the post of Enquiry Cum Reservation Clerk (ECRC) to the post of Guard in the Department.

2. The applicant was appointed as ECRC in the commercial department in the pay scale of Rs. 4500-7000. The post of Guard is in Traffic Department and is filled by direct recruitment as well as from ranker's quota from the category of officials of TNC, Senior TNC, Commercial Clerk, TC, Senior TC, Switchman Assistant Guard etc.

3. It is not disputed that the applicant applied for the post of Guard but he does not possess the required medical category A-2. The medical category A-2 is essential for the post of Guard whereas the applicant has passed only C-1 medical category. Since the Guard category is concerned, the candidates who passed the relevant examination and having the requisite medical category are being appointed/promoted. The impugned order Ann.A/1 dated 30.5.2008 also speaks about this. Since the applicant does not possess A-2 medical category, therefore, claim of the applicant on the post of Guard was not considered.



4. It is also not disputed that this is second round of litigation. Earlier also, the applicant filed OA No.369/2004 which was disposed of vide order dated 5th March, 2008 whereby this Tribunal has directed the respondents to reconsider the case of the applicant on the basis of request made by him vide his application dated 24.11.2003 against the existing vacancies of Guard meant to be filled by direct recruitment quota afresh within a period of two months from the date of receipt of a copy of the order. Pursuant to the direction issued by this Tribunal vide order dated 5th March, 2008, the respondents have reconsidered the application of the applicant dated 24.11.2003 in the light of the prevalent rules and guidelines issued by the respondent department and after reconsidering his case, it is observed that the applicant is not eligible to be given appointment on the post of Guard as he does not possess the requisite medical category A-2. He only passed C-1 medical category, as discussed hereinabove.

5. Having considered the earlier order passed by this Tribunal and in view of the direction issued by this Tribunal, impugned order dated 30.5.2008 was passed by the respondents, we find no illegality as the post of Guard is responsible post and it is pre-requisite to have A-2 medical category which admittedly the applicant have to pass, thus application of the applicant dated 24.11.2003 after re-examining the same has rightly been rejected.

6. Thus, we find no illegality in the impugned order dated 30.5.2008 which requires no interference by this Tribunal.



Consequently, the OA being bereft of merit is dismissed with no order as to costs.

7. In view of order passed in the OA, no order is required to be passed in MA No.55/2011, which shall stand disposed of accordingly.



(ANIL KUMAR)
Admv. Member



(JUSTICE K.S.RATHORE)
Judl. Member

R/