

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 20th day of October, 2010

ORIGINAL APPLICATION NO. 406/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Smt. Kishori Devi daughter of Shri Daulat Ram aged about 56 years,
working as Aya, Railway Hospital, North Western Railway, Ajmer.

.....Applicant

(By Advocate: Mr. N.K. Gautam)

VERSUS

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

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

When the matter was listed on 08.09.2010, this Tribunal had passed the following order:-

"In this case, the respondents issued a letter dated 6.4.2010 (Annexure A/2) notifying nine vacancies for the post of Dresser Grade III to be filled in from the persons in the feeder grade of Rs.5200-20200 + 1800 Grade pay. These posts were required to be filled in by recruitment by promotion from amongst the eligible candidates and such promotions were required to be given on the basis of written test from the eligible candidates who were Matriculates. Subsequently, the respondents issued an eligibility list of 23 candidates in which name of the applicant finds mention at S. No. 2. However, the applicant has not qualified the written test, as can be seen from the order dated 16.6.2010 (Annexure A/3).

Grievance of the applicant is that such promotions should have been made on the basis of seniority. It may be stated here that the applicant has not challenged the criteria/relevant provision of the rules which provides that promotion to the aforesaid posts is to be given on the basis of written test. As such, contention of the applicant that the post has to be filled in

solely on the basis of seniority cannot be accepted more particularly when the applicant has not challenged the validity of the order dated 6.4.2010 (Annexure A/2), wherein it was specifically stipulated that recruitment by promotion to the post of Dresser Grade III shall be on the basis of written test. Not only that, the applicant has also participated in the selection process without any protest and it is only after the declaration of the result that the applicant has taken this plea that the post should have been filled in on the basis of seniority without undergoing the selection process.

....."

2. Learned counsel for the applicant has drawn our attention to Para 188 of Indian Railway Establishment Manual. In the last part of this Para, it has been mentioned that in the case of posts which are in the normal avenue of promotion to Group 'D' Railway servants, promotion should be made from amongst the Railway Servants of the Department concerned in each promotion unit on the basis of seniority cum suitability after holding such written and/or practical test as may be considered necessary.

3. In this case, the respondents have decided to make selection by holding written test in which the applicant has failed. Thus the contention raised by the learned counsel for the applicant that the entire selection is vitiated cannot be accepted. The applicant is not entitled to any relief for the reasons, as reproduced above.

4. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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