

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original Application No. 247/2011

Date of order: 14th August, 2015

CORAM:

HON'BLE MR. JUSTICE HARUN UL RASHID, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Govind Ram s/o Dev Kishan by caste Sharma, aged about 51 years, r/o Plot No.30, Ward No.17, Shyam Nagar, Phulera, presently working as Senior Diesel Assistant at Phulera Railway Station, North Western Railway, Phulera.

.....Applicant

(By Advocate : Mr.P.N.Jatti)

VERSUS

1. The Union of India through the General Manager, North Western Railway (NWR), Jaipur
2. Divisional Railway Manager, North Western Railway, Jaipur
3. Sr. Divisional Personnel Officer, North Western Railway, Jaipur

.....Respondents

(By Advocate : Mr. Y.K.Sharma)

ORDER (ORAL)

This Original Application has been filed against the order dated 16.12.2010 and earlier order dated 3.6.2010 (Ann.A/2) on the basis of which the applicant has not been selected and denied promotion to the post of Loco Pilot (Goods) even after obtaining 60% marks in the written examination. In the prayer clause, he has prayed for quashing the aforesaid orders with further direction that the service record of

the applicant be called and the respondents be directed to award the correct marks to the applicant and, therefore, be directed to award the promotion of Loco Pilot (Goods) to the applicant.

2. The short point involved in this case is that the applicant was not given promotion to the post of Loco Pilot (Goods) although he has obtained 60% marks in the written examination i.e. 30 marks out of 50 marks but in the service record he obtained 14 marks out of 30 marks and in the seniority, he got 15 out of 20 marks and in aggregate got 59 marks out of 100 marks, therefore, he did not clear the requisite benchmark.

3. In this regard, the main contention of the counsel for the applicant was that he has been given 14 marks out of 30 marks in the service record which is less because his service record has been 'Very Good' and he has never been communicated any adverse remarks. He, further submitted that the applicant performed well in the examination and is only one mark short of the benchmark. Had his service record been considered properly, then he would have easily got 60% aggregate marks as required and would have been selected to the post of Loco Pilot (Goods). Therefore, he has prayed that the OA may be allowed.

4. Per contra, counsel for the respondents submitted that the applicant did not secure required overall 60% marks in the overall assessment. He further submitted that though the applicant secured 60% marks in the written examination but he only secured overall 59

marks out of 100 and as per legal provisions, 60% marks are required in the overall assessment. He also submits that the Selection Committee has assessed overall grading of ACRs for the year 2005, 2006 and 2007 and awarded 14 marks out of 30 marks as per the laid down guidelines. Therefore, the applicant is not entitled to any relief.

5. Counsel for the respondents also submitted that the applicant has retired. In this regard, counsel for the applicant contended that even he is retired but he will be getting due consequential benefits.

6. Considered the aforesaid contentions and perused the record. On the basis of contentions and pleadings, it appears that the applicant has secured 59 marks out of 100 marks in the aggregate and is only one mark short of the 60% required marks for selection. Though in the reply, it has been mentioned that his ACRs for the year 2005, 2006 and 2007 were considered and he was given 14 marks out of 30 marks, but it is not apparent from the reply, whether all issues about due communication of ACRs had been duly considered.

7. In view of facts and circumstances of the case and especially considering that the applicant is only one mark short of the aggregate marks required for selection, without adjudicating the matter on the question of service record, it is considered just and proper to direct the respondents reconsider and re-evaluate the service record of the applicant for the purpose of selection to the post of Loco Pilot (Goods) and thereafter issue reasoned and speaking order in this behalf within 3 months from the date of receipt of a copy of this order. If the

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applicant has any substantive grievance remaining thereafter, he may file a fresh OA, if so advised.

7. The OA stands disposed of in the above terms with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE HARUN-UL-RASHID)
Judicial Member

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