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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. No. 060/00936/2014

Pronounced on: 22.5.2015

Reserved on: 19.05.2015

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

Janak Singh aged 55 years, S/o Sh. Puran Singh, resident of Chaurwala Village, P.O. Rurkee, Tehsil & District Patiala, working as Trackman under SSE/P. Way Rajpura.

.....Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Ambala Cantt.
3. Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt.

.....Respondents

Present: Sh. Karnail Singh, counsel for the applicant.
Sh. R.T.P.S. Tulsi, counsel for the respdts.

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking direction to the respondents for considering the application of the applicant under SRRS/LARSGESS (Annexure A-1).

Re ———.

2. In the grounds for relief, it has been stated that at the time when the applicant filed his application for consideration under the LARSGESS, he fulfilled all the eligibility criteria for being considered under this Scheme. The call letter was issued to the ward of the applicant for appearing in the Physical Efficiency Test (Annexure A-3). However, the claim of the applicant had been rejected without stating any reasons.

3. In the written statement filed on behalf of the respondents No. 1-3, it has been stated that as per existing instructions regarding minimum educational qualification i.e. Matric vide Railway Board letter No. E(NG)II/2009/RR-1/10/Pt. Dated 09.12.2010 (P.S. No. 13756) (Annexure R-4), applicant's application made in November 2010 was examined and it was observed that the ward of the applicant was not having the minimum educational qualification i.e. Matric. Subordinate in-charges of these employees were also informed vide Respondent office letter No.36-E/O/Policy/P-4/UMB dated 2.2012/1.3.2012 (Annexure R-5) in which it was mentioned that the concerned staff may be informed about their ineligibility. Applicant's name appears at Sr. No. 73 of Annexure R-5. The concerned staff were informed ~~on~~ verbally as advised by ADEN/RPJ vide Annexure R-6. Besides the rejection letter was also

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pasted on the Notice Board of the office of Assistant Divisional Engineer/RPJ for information of the concerned employees. It is settled law that selection for the purpose of recruitment does not create a right to be appointed to the post which can be enforced by a mandamus. Jatinder Kumar Vs. State of Punjab, AIR 1984 SC 1850 (Para 12) has been cited in this regard. The applicant whose date of superannuation is 30.06.2015 is not eligible under the LARSGESS being above the maximum prescribed age of 57 years. Applicant's case is fully covered by the law laid down by this Tribunal in bunch of cases, leading case being OA No. 912-PB-2013 titled Ganpat & Ors. Vs. G.M. Northern Railway, New Delhi & Ors. pronounced on 17.1.2014 (Annexure R-7).

4. Arguments advanced by learned counsel for the parties were heard when learned counsel for the applicant stated that although at the time when the applicant applied under LARSGESS, his son was under-Matric, but he had passed the Matriculation Examination in March, 2013. Hence, the ward of the applicant should have been considered for appointment under LARSGESS since he was eligible under the Scheme. He drew attention to para 11 of Circular dated 26.6.2014 (Annexure A-2) which reads as follows:-

"11. The retirement of the employee be considered only if the ward is found suitable in all respects i.e. after suitable found by

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Selection Committee Medical fitness in specified category and verification of educational/caste certificates etc. Retirement of the employee and appointment of the ward should take place simultaneously and will be recruited as Trainee in 1S Pay Band in case where the condition regarding prescribed educational qualification i.e. 10th is not fulfilled.”

He stated that keeping in view the content of this document, the son of the applicant was entitled to be recruited as trainee in 1-S pay band.

5. Learned counsel for the respondents reiterated the content of the written statement and he stated that as per Circular dated 10.12.2010, it has been decided by the Ministry of Railways that minimum educational qualification for recruitment in Pay Band of Rs. 5200-20200, Grade Pay of Rs. 1800, would be 10th Pass or ITI pass. These instructions were applicable to all posts against direct recruitment quota through all modes. He stated that since the son of the applicant was under-Matric, he was not considered for appointment and this was very clear from the document at Annexure R-5 wherein the name of the applicant was at Sr. No. 73 and the reason for rejection was the educational qualification of 8th pass of the ward of the applicant.

6. We have given our careful consideration to the matter. Since the ward of the applicant Sh. Janak Singh was not qualified as per the educational criteria for selection under the LARSGESS where the educational qualification required was 10th Pass or ITI, there is no merit

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in the claim of the applicant for the appointment of his ward. Moreover, the son of the applicant passed Matriculation in 2013 as per the applicant's own admission, when he himself had crossed the age of 57 years and he was not eligible for retirement under this Scheme. Hence, the OA is rejected. No costs.

Rs ———
(RAJWANT SANDHU)
MEMBER(A)

B. A. AgSawal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

Dated: 22/5/2015.

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