



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. NO. 350/01738/2017

Dated : 18.12.2017

Coram : Hon'ble Mrs. Manjula Das, Judicial Member/

Shri Pankaj Kumar Singh,
son of late Gajendra Prasad Singh,
aged about 44 years,
working as Senior Section Officer,
Accounts Department,
Office of the Financial Advisor &
Chief Accounts Officer,
Chittaranjan Locomotive Works,
Chittaranjan, Pin: 713 331,
residing at Street No. 68, Quarter No. 34A,
P.O. Chittaranjan, District Burdwan,
Pin : 713331.

..... Applicant

Versus

1. Union of India
through the General Manager,
Chittaranjan Locomotive Works,
Chittaranjan, Pin: 713 331.
2. The Chairman,
Railway Board, Rail Bhawan,
New Delhi – 110 001.
3. The General Manager,
Chittaranjan Locomotive Works,
Chittaranjan, Pin : 713 331
4. The Chief Personnel Officer,
Chittaranjan Locomotive Works,
Chittaranjan, Pin 713 331.
5. The Adviser Vigilance,
Railway Board, Rail Bhawan,
New Delhi – 110 001.

A handwritten signature in black ink, appearing to read "Manjula Das".

6. The Financial Adviser &
 Chief Accounts Officer,
 Chittaranjan Locomotive Works,
 Chittaranjan, Pin 713 331.

7. The Chief Vigilance Officer,
 Chittaranjan Locomotive Works,
 Chittaranjan, Pin 713 331.

..... Respondents.

For the applicant : Mr. S.K. Datta, counsel
 Mr. B. Chatterjee, Counsel

For the respondents : Mr. A.K. Banerjee, counsel

ORDER (Oral)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.(a) An order holding that there was/ is no valid reason for not publishing the result of the written examination as well as for not completing the selection process commenced on the basis of the notice at Annexure-A-1 to this original application.

(b) An order directing the respondent authorities to publish the result of the written examination forthwith and to complete the selection process as well as make promotions to the qualified candidates within a period as to this Hon'ble Tribunal may seem fit and proper.

(c) An order directing the respondent authorities to produce/ cause production of all records pertaining to the selection as well as the Vigilance investigation before this Hon'ble Tribunal.

(d) Any other order or further order/ orders as to this Hon'ble Tribunal may seem fit and proper."

2. Heard Id. counsel for both sides, perused the pleadings and materials placed before me.

3. The issue relates to non-completion of the selection process in pursuance of the notice dated 19.11.2015(Annexure A-1) and non-publication of the result of the written test.

4. Mr. S.K. Datta, Id. counsel being assisted by Mr. B. Chatterjee submits that in pursuance of a notice dated 19.11.2015 for promotion under the Limited Departmental Competitive Examination quota an examination was held for filling up the posts of Assistant Financial Adviser (Gr.B) in the Pay Band Rs.9300-34800/- with Grade Pay of Rs.5400/- against 30% vacancy, the applicant applied for the said post within the stipulated time. Mr. Datta further submits that the applicant appeared in the written test twice in February, 2016 and in November, 2016(in respect of Paper-I), but no result has been published by the respondent authorities thereafter. Being aggrieved by non-publication of the result of the written test, the applicant made several representations to the authorities concerned, but his prayer has not been considered. Finding no other alternative the applicant has come to this Tribunal seeking a direction upon the respondents for publication of the result of the written examination.

5. Mr. Datta has drawn my attention to the Master Circular 68 on instructions of the Ministry of Railways regarding governing of promotion from Group 'C' to Group 'B'. He has further drawn my attention to the instructions at page 42 of the O.A. wherein Para 3(3.1) reads as follows:-

3. Frequency of holding Selection/Limited Departmental Competitive Examination

3.1 "..... The entire process of selection from assessment of vacancies to publishing the panel should be completed, as far as possible, within a period of 4 months."



Id. counsel Mr. Datta has also drawn my attention to para 105 at Annexure A-17, page 48 of O.A. regarding "Duties of the CVOs on the Railways". Para 105(ii) of the same reads as under:-

"(ii) In addition to the functions stated in (a) above, the CVOs will scrutinize all the complaints/source information or otherwise. They will further ensure that a time schedule is drawn up by the concerned Dy. CVOs/VOs with their Vis, for all the investigations be conducted by Railway Vigilance and that all investigations are finalised within two months and the investigation reports submitted to Railway Board in the cases involving gazetted officers within a period not exceeding three months."

According to Mr. Datta, Id. counsel for the applicant, the respondent authorities did not follow the provisions enumerated in various circulars/notices/guidelines/memorandum/instructions of the Railways. He further submits that the Government of India, Ministry of Railways issued a circular dated 21.04.2017(Annexure A/12) wherein under Clause (3) it is directed that "all selections/including LDCE and Intermediate Apprentice Quota may be conducted timely, so that staff are not deprived of timely promotion."

Referring to the aforesaid instructions and guidelines, Id. counsel for the applicant Mr. Datta has prayed for a direction upon the respondents to publish the result of the written test at the earliest.

6. Mr. A.K. Banerjee, Id. counsel appearing on behalf of the respondents prays for some time to file reply. No notice has been issued to the respondents.

7. Mr. S.K. Datta, Id. counsel for the applicant submits that the applicant will be happy if a direction is given to the respondent authorities to consider and dispose of the representation of the applicant dated 31.03.2017(Annexure A/11) which is addressed to the General Manager, CLW, Chittaranjan as per relevant rules/instructions/guidelines within a specific time frame.



8. Considering the submissions made by ld: counsel for both sides, I feel that it would not be prejudicial to either of the sides if the respondents are directed to consider and dispose of the representation of the applicant as per rules by passing a reasoned and speaking order within a stipulated period.

9. Accordingly, the Respondent No.1, i.e. the General Manager, Chittaranjan Locomotive Works, Chittaranjan is directed to consider and dispose of the representation of the applicant dated 31.03.2017(Annexure A/11) as per rules/instructions governing the field within a period of three months from the date of receipt of a copy of this order. Needless to mention that the respondent authority shall keep in mind the Ministry of Railway's Circular dated 21.04.2017(Annexure A/12), the Master Circular No.68 on Instructions Governing the promotion from Group 'C' to Group 'B' and Annexure A/17 i.e. Para 105 (ii)regarding duties of the CVOS on the Railways, as discussed in the foregoing paragraphs, while deciding the representation of the applicant. The decision so arrived at shall be communicated to the applicant forthwith. No coercive action shall be taken by the respondents till disposal of the representation of the applicant.

10. With the above observations and directions, the O.A. stands disposed of. No order as to costs.



(Manjula Das)
Judicial Member

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