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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA NO.2457/2003

This the 7th day of October, 2004

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Omi Singh S/O Manphool Singh,
Khalasi, Group-D,
Employed and working as Khalasi under
Senior Sectional Engineer (Signal) (East),
Motia Bagh, Delhi Division,
New Delhi.

... Applicant

(None present)

-versus-

Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondents

(By Shri D. S. Jagotra, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, VC (A) :

None has appeared on behalf of the applicant during the last two hearings. He has chosen to remain absent even today when the case had been fixed for possible final hearing, pleadings being complete. We have proceeded to consider this OA in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 by considering the pleadings, material on record and hearing the learned counsel of respondents.

[Signature]

2. According to the applicant he was appointed as regular Khalasi in the Northern railway on 1.1.1983. He had completed 12 years of regular service in the post of Khalasi on 1.1.1995 and became entitled to placement in higher pay scale on financial upgradation under the Assured Career Progression (ACP) Scheme in the grade of Khalasi, i.e., Rs.2650-4000. He is presently in the pay scale of Rs.2550-3200, which is the scale for the post of Khalasi. He has alleged that though he was called for an aptitude test for the post of Helper Khalasi in scale Rs.2650-4000 to be held on 2.12.2002, the same was cancelled without any reason and show cause notice. He has challenged Annexure A-1 dated 2.6.2003 by which the aptitude test to be held on 2.12.2002 was cancelled due to "administrative reasons". Applicant has stated that cancellation of this test is against the principles of natural justice and discriminatory in nature.

3. On the other hand, learned counsel of the respondents stated that applicant was erroneously called to take the aptitude test for promotion as Helper Khalasi. As such, his name was excluded along with three others who were found to be junior and in their place four other seniors who were eligible were included for appearing in the aptitude test. The learned counsel further stated that as the applicant was appointed as Khalasi on a regular basis only on 27.2.1997, he could have become eligible for consideration for according financial upgradation only on completion of 12 years of

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service. As he had not completed the requisite regular service in the grade, he was found ineligible for financial upgradation.

4. We have considered the respective pleadings and also the material on record.

5. Applicant has not been in a position to rebut the contention of respondents that no junior persons than he had been included in the eligibility list for taking the aptitude test. Although he has claimed that he was appointed as regular Khalasi on 1.1.1983, Annexure A-2 by which he was transferred clearly describes him as a Gang Man while he was being transferred. Obviously, on 26.2.1997 when Annexure A-2 was issued, he was a Gang Man. He has not produced any seniority list also to establish his seniority as a regular Khalasi w.e.f. 1.1.1983. Annexure A-2 also disproves his claim as being regular Khalasi w.e.f. 1.1.1983 and the respondents' contention that applicant had been working on a regular basis as Khalasi w.e.f. 27.2.1997, in the circumstances, is accepted to be correct. Obviously, applicant does not fulfil the requisite condition of putting in 12 years service in the post of Khalasi for being considered for according financial upgradation under the ACP Scheme.

6. In our considered view, for the reasons stated above, respondents have not committed any mistake in canceling



applicant's candidature for the aptitude test of Helper Khalasi due to "administrative reasons", vide impugned Annexure A-1 dated 2.6.2003.

7. If one has regard to the discussion made above, this application is liable to be dismissed being devoid of merit. Dismissed accordingly.

S. Raju

(Shanker Raju)
Member (J)

V. Majotra

(V. K. Majotra)
Vice-Chairman (A)

7.10.04

/as/