
(2015) 03 RAJ CK 0092
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3170/2014

Ugam Singh Sodha

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 17-03-2015

Acts Referred:

Citation : (2015) 03 RAJ CK 0092

Hon'ble Judges : Jaishree Thakur, J.; Govind Mathur, J.

Bench : Division Bench

Advocate : Nupur Bhati, for the Appellant; S.K. Malik, Harish Purohit and Sanjay Kapoor, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Govind Mathur, J.—By judgment dated 22.11.2013 learned Central Administrative Tribunal, Jodhpur Bench, Jodhpur while accepting Original Application No. 226/2012, set aside a notification dated 12.7.2011 initiating process of selection for recruitment to the post of Junior Engineer (Mechanical) against the vacancies pertaining to intermediate apprentice quota. Learned Tribunal while accepting the original application directed the Chief Workshop Manager, North Western Railway, Carriage Workshop, Jodhpur and Senior Personnel Officer, North Western Railway, Carriage Workshop, Jodhpur to avail instructions from Railway Board with regard to the mode for assessment of service record and paper screening based on a fair criteria. To question correctness, validity and propriety of the judgment referred above these petitions for writ are preferred.

2. The factual matrix necessary to be noticed for adjudication of these petitions for writ is that while making recruitment to the post of Junior Engineer (Mechanical) 25% of the total vacancies is required to be filled in from amongst the intermediate apprentices. The feeding channel for the post aforesaid is from several posts including the posts in Group "D" cadre of railway servants. The process of selection for recruitment in question consists of two steps, those are written test and assessment of the Annual Confidential Reports (hereinafter

referred to as "the ACRs") or special work report, as the case may be. The ACRs or the special work reports of preceding three years from the date of selection are required to be taken into consideration for making their assessment. The assessment of the ACRs and special work reports pertain to 30 maximum marks and that is required to be made on basis of the remarks assigned to the railway servants by the reporting officer. The allocation of marks as per the remarks given is as under:--

3. According to the rules existing, a confidential report shall be written by reporting officer for every railway servant working under him but not for railway servants of Group "D" service while making recruitment against the vacancies pertaining to the intermediate quota, the recruiting authority use to call upon special work report of every participating employee from the authority under whose supervision he is working. The assessment of work report is also required to be made on basis of the same marking criteria as applicable for assessment of the ACRs.

4. By a notification dated 12.7.2011 the Senior Personal officer, North Western Railway, Carriage Workshop, Jodhpur initiated a process of selection for recruitment to the post of Junior Engineer (Mechanical) against ten vacancies pertaining to the intermediate apprentice quota. Several employees with regard to whom ACRs were maintained and with regard to whom special work reports were availed, faced process of selection and on qualifying written test their ACRs or special work reports, as the case may be, were assessed. A panel of selected incumbents was declared on 9.3.2012. In the panel aforesaid the petitioner was shown in the list of selected incumbents at serial No. 5. Some of the persons who also faced the process of selection but did not find place in the panel aforesaid, assailed validity of the process of selection by way of filing original application before the Central Administrative Tribunal, Jodhpur Bench, Jodhpur. During pendency of original application the respondent railways revised the panel by issuing a fresh list of empanelled incumbents on 20.9.2013. The applicant was brought out from the panel and necessary information was given to him by communication dated 19.9.2013. Being aggrieved by modified empanelment he preferred an original application before the Central Administrative Tribunal and that came to be disposed of by judgment dated 22.11.2013. By judgment dated 22.11.2013 learned Central Administrative Tribunal considered the issue with regard to assessment of special work reports as agitated by some other similarly situated employees, but no finding has been given with regard to the cause of the petitioner pertaining to the authority to have modification of empanelment.

5. It is submitted by learned counsel for the petitioner that the Tribunal should have examined merits of the original application preferred by the petitioner independently.

6. From perusal of the judgment impugned it is apparent that the issue sought to be adjudicated by the petitioner before the Central Administrative Tribunal has not at all been considered. In the judgment impugned learned Tribunal has given

its findings with regard to validity of the mode of assessment adopted while examining special work reports given by the competent authorities for the railway servants belonging to Group "D" category. The Tribunal being failed to adjudicate the issue agitated by the petitioner, we deem it appropriate to set aside the judgment impugned to the extent that has been passed in the original application preferred by the present petitioner. The matter is remanded to the Central Administrative Tribunal, Jodhpur Bench, Jodhpur for adjudication of the original application afresh on its own merits.

7. The writ petition stands disposed of accordingly with no order as to costs.