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Most Immediate
Court Case

Government of India/Bharat Sarkar
Ministry of Railways/Rail Mantralaya
(Railway Board)

.....

No.E(NG)I-2005/PM3/4 **New Delhi, dated 10-08-2005**

The General Manager (P),
South Central Railway,
Secunderabad.

(Kind attn: ***Shri. K. Ponnuswami,*** CPO/A)

Sub:- OA No.564/2005 filed by Shri K. M. Verma, Dy. Chief Controller/COM's Office, before CAT/HYB.

S.No.1 (PUC)

Reference S.C. Railway's letter No.648/KMV/Dy.CC/OA No.564/2005 Dt.22.07.2005 on the above subject.

F/A

2. As the Railway is aware that the court cases involving non-gazetted employees are contested by the zonal railways concerned in consultation with their Law Officer and Railway Advocate. Nonetheless, the instructions contained in Board's letter dt.16.10.2000 are self-explanatory and no further elaboration of the same is required. Since recruitment from open market and promotion of serving staff are two distinct ways of filling up of posts as pointed out by the Railway also, no comparison in the eligibility conditions of the same should be made and that it is the prerogative of the Administration to prescribe eligibility conditions for appearing in the selection for promotion to any category of posts. The remarks prepared by the Railway for filing before CAT/HYB in OA No.564/2005 are confirmed.

S.No.1/1

3. It may also be pointed out that staff in the same grade are made eligible only when lateral induction is found necessary having regard to requirement of service. In this case this has not been found necessary. It is also not the case of the applicant that he has no avenue of promotion in his own line/hierarchy so that it is necessary to provide for him an avenue outside his normal channel even by lateral induction. In any case the condition of eligibility laid down for appearing in the selection for promotion to the post of Law Assistant does not violate any principle of equality of opportunity as contended by the applicant inasmuch as it is not as if some employees in grade Rs.6,500-10,500 have been made eligible and not others including the applicant.

Cont..

4. While filing the reply in the OA action should also be taken to get the name of Secretary, Railway Board deleted from the list of respondents in terms of Board's letter No.97/LC/Misc/37 dt.15.10.97.

Please acknowledge receipt.

10/8/05

(Chander Shekhar)
Dy. Director, Estt.(NG)I
Railway Board.

O/C

