

NORTH EASTERN RAILWAY

Office of  
Divisional Rail Manager (Personnel)

Izzatnagar

No. का/254/गार्ड माल 60% विभागीय पदोन्नति/चयन/परि/॥

dated 03.07.2023

'Speaking Order'

Sub: Selection for the posts of Guard (Goods) in Grade Pay rs. 2800/- (Level-5) in IZN Division.

Ref: Regarding implementation of Hon'ble Central Administrative Tribunal, Allahabad's order dated 24.05.2023 in O.A. No. 730 of 2022.

A notification No. का/254/गार्ड माल 60% विभागीय पदोन्नति/चयन/परि/॥ dated 07.12.2021 for conducting selection against 60% departmental selection quota, for 44 vacancies (General-35, SC-07 & ST-02) of Guard (Goods) in Grade Pay Rs. 2800 (Level-5) was issued calling applications from Trains Clerk, SR. Trains Clerk, Comml. Clerk, Ticket Collector, Cabin Man Switch Man, Liver Man, Points Man, Shunt Man, Asst. Guard, Sr.Asstt.Guard, & Shunting Master/Shunting Jamadar all working in Operating and Commercial departments in different Grade Pay Rs. 1900, 2000, 2400 (Level- 2, 3 & 4 respectively) having been completed minimum three years of service in Grade Pay Rs. 1900 (Level-2) to Grade Pay Rs. 2400 (Level-4). The written examination was held on 12.06.2022 and those who secured minimum 60% and above marks qualified the written examination for further consideration for selection and their result was issued vide letter dated 12.07.2022. After consideration by the selection committee on the basis of marks of written examination, marks of record of service and marks of seniority, those who obtained 60% or more marks in aggregate were identified as suitable for being placed on the final panel. Besides this, those who secured 80% or more marks in aggregate were classified as outstanding superseding 50% above the normal zone in the panel. Accordingly, the panel of 40 candidates as per their seniority was declared vide letter dated 25.07.2022 with the stipulation that S. No. 1 to 35, are against unreserved vacancies, S.No. 36 & 37 against the vacancies reserved for SC and S. No. 40 against vacancies reserved for ST have been placed in the panel. 11 candidates who although qualified in the written examination but could find place in the said panel had filed a petition before the Hon'ble CAT/ALD (O.A. No. 730/2022, Shyam bahadur & others v/s UOI & others). The Hon'ble CAT after hearing both the parties, have passed following orders:-

"OA is allowed. The impugned order dated 25.07.2022 is set aside and the case is remanded back to the competent authority to reexamine the whole process of selection and do promotions strictly in terms of notification dated 07.12.2021. If they find that the notification dated 07.12.2021 was incomplete and vague and not implementable, they may have liberty to completely eschew the same and do the exercise denovo if required and so advised. Selection process should be clearly defined in the vacancy circular and the selection should be strictly in terms of the said selection process so laid down. All reservation in promotion should strictly be in compliance with the circular dated



12.04.2022 and OM dated 01.07.1998, 31.05.2005 and 11.07.2002 and the relevant circulars of DOPT and the Hon'ble Apex Court orders quoted (supra). All associated MAs, if any, stands disposed of. No costs".

1.0- In order to implement the Hon'ble CAT's aforesaid orders, ADRM/Infra vide his order dated 29.05.2023 remitted back the case to the selection committee to re-examine the whole process of selection. Accordingly, a meeting was held on 13.06.2023 by the members of the selection committee and after carefully going through the Hon'ble CAT/ALD's judgment/order dated 24th May 2023, the relevant rules & instructions on the subject and available records, have find that the methodology applied in the selection in question is not in consistent with the extant laid down norms of selection for 'General Selection Posts'. The details in this regard is mentioned below:-

- (i) The criteria of selection for the posts classified as 'General Posts' is laid down under Para 219 (j) of Indian Railway Establishment Manual Volume-I (Revised Edition-1989).
- (ii) Awarding marks of seniority and classifying candidates having secured 80% or more marks in aggregate as 'Outstanding' allowing them to supersede not more than 50% of the total field of eligibility, in the selection for 'General Posts', has since been withdrawn as an outcome of dismissal of SLP No. 16774/2008 on 05.01.2009 filed before Hon'ble Supreme Court against judgment dated 09.04.2008 in Writ Petition No. 4746/2002 of High Court/Punjab & Haryana. Accordingly, Railway Board, vide Advance Correction Slip No. 209 to Para 219 (j) of Indian Railway Establishment Manual Volume-I (Revised Edition-1989) have issued necessary amendment vide their letter No. E(NG)I-2008/PM7/4 SLP dated 19.06.2009 (RBE No. 113/2009).
- (iii) The AVC for promotion to Guard (Goods) in Grade Pay Rs. 2800 (level-5) has been issued by Railway Board vide RBE No. 46/2017 dated 12.05.2017 which has been mentioned under heading "पात्रता की शर्तें" at 1<sup>st</sup> page of the Notification dated 07.12.2021. Accordingly, 60% vacancies of Guard (Goods) in Grade Pay Rs. 2800 (level-5) are to be filled by general selection, from amongst serving regular employees with a minimum of three years working in Operating & Commercial departments on different posts (as mentioned therein) having Grade Pay 1900/-, 2000/-, 2400/- in Level-2, Level-3 & Level-4 respectively.
- (iv) Regarding the compliance of reservation in promotion for SC & ST candidates strictly as per circulars dated 12.04.2022 and O.M. dated 01.07.1998, 31.05.2005 (it is dated 31.01.2005 and not 31.05.2005) and 11.07.2002 and the relevant circulars of DOPT and Hon'ble Apex Court orders, have also been examined by the selection committee and from the records it reveals that :-
  - (a) The instructions contained in DOPT's O.M. No. 36012/16/2919-Estt.(Res.) dated 12.04.2022, O.M. No. 43011/153/2010-Estt.(Res.) dated 04.01.2013 read with O.M. 36012/2/96/ESTT(RES) dated July 2 1997 and O.M. No. 36012/2/96/ESTT(RES) dated July 2 1997 in the 2<sup>nd</sup> Para of the O.M. 01.07.1998 regarding replacement of 'Post Based 100 Point Roster' in place of 'Vacancy Based 40 Point Roster' have already been prepared and implemented for all promotional categories at that very time after the issue of the aforesaid circulars. These 'Post Based Roster' registers are updated and regularly checked & vetted by the nominated Liaison officer.
  - (b) The instructions contained in DOPT's O.M. dated 31.01.2005 (No. 36028/17/2001-Estt(Res.) read with O.M. No. 36028/17/20010-Estt(Res.) dated 11.07.2002 are

regarding treatment of SC & ST candidates promoted on their own merit as well as certain clarification for those SC & ST candidates promoted before 11.02.2002 and adjusted against unreserved vacancies. In this connection it is clarified that:

- (i) all the SC & ST candidates promoted on their own merit without any relaxation have been adjusted against unreserved vacancies,
- (ii) all the eligible SC & ST candidates who applied for appearing in the aforesaid selection, were called and none of them who qualified the written examination as per methodology mentioned in preceding Paras have been left out provided they are within the zone of consideration as per their merit position.

2.0- Keeping in view the above mentioned facts and circumstances as well as relevant rules and instructions issued by DOPT and Railway Board from time to time, the selection committee have recommended a revised panel of 42 candidates who qualified the selection by securing minimum 60% marks in aggregate on the basis of written examination plus marks of record of service and the final panel drawn strictly in order of merit position keeping in view the reservation rules for SC & ST candidates. The competent authority DRM/IZN has approved the revised recommendations of the selection committee.

Accordingly, revised panel of 42 candidates have since been issued vide letter No. का/254/गार्ड माल 60% विभागीय पदोन्नति/चयन/परि/ || dated 03.07.2023.

(A.K. Srivastava)

Senior Divisional Personnel Officer

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