

GAHC010081352023



2024:GAU-AS:11355-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2098/2023

RUHI DAS BASAK
S/O LATE SREEDAM CHANDRA BASAK,
R/O HAFLONG ROAD, PIKE PARA, NEAR ASEB, P.S. AND P.O.- LUMDING,
LUMDING, PIN- 782447, NAGAON DISTRICT, ASSAM.

VERSUS

1: THE UNION OF INDIA AND 4 ORS. REP. BY THE SECRETARY, MINISTRY
OF RAILWAYS, RAIL BHAWAN, RAFI MARG, NEWDELHI- 110001.

2:RAILWAY BOARD REP. BY THE CHAIRMAN OF THE BOARD
RAFI MARG NEW DELHI- 110001.

3:THE GENERAL MANAGER, OFFICE OF N.F. RAILWAY
MALIGAON GUWAHATI- 781011.

4:THE DIVISIONAL RAILWAY MANAGER (P)
N.F. RAILWAY LUMDING DIVISION LUMDING PIN- 782447.

5:F.A. AND C.A.O., N.F RAILWAY
MALIGAON HEAD OFFICE MALIGAON GUWAHATI- 781011

For the Petitioner(s) : Mr. S. Khound, Advocate.

For the Respondent(s) : Ms. B. Sarma, Central Govt. Advocate.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

21.11.2024

(Vijay Bishnoi, CJ)

This writ petition is filed by the petitioner being aggrieved with the order dated 12.01.2021 passed by the Central Administrative Tribunal, Guwahati Bench,

Guwahati (hereinafter to be referred as "Tribunal") in O.A. No.12/2021, whereby the learned Tribunal has dismissed the Original Application filed on behalf of the petitioner being aggrieved with the action of the respondents of denying him the promotion to the post of Senior Tech/FPO in the Railways.

The learned Tribunal has taken into consideration the fact that for the purpose of promotion to the post of Senior Tech/FPO in the Railways, a person is required to pass the suitability test. However, the Indian Railway Establishment Manual (IREM) provides that the suitability test shall be held at the interval which should not be less than 6(six) months and the last suitability test was conducted on 26.11.2018 and before expiry of 6(six) months period, the petitioner retired from service in February, 2019 and as such, when the petitioner has not passed the suitability test, there is no question of promoting the petitioner to the post of Senior Tech/FPO. The Tribunal has also taken into consideration the response of the DRM, North Frontier Railway dated 26.03.2019 sent to the counsel for the petitioner in response to the notice sent on behalf of the petitioner and has come to the conclusion that the respondent authorities have not made any unjust treatment on the petitioner as evident from the said letter.

Having heard the learned counsel appearing for the parties, we do not find any case for interference in the order passed by the learned Tribunal. Hence, the writ petition stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant