

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15118 of 2024

1. The Union of India, through the General Manager, North East Frontier Railway, Maligaon, Guwahati, Pin- 781011.
2. The General Manager, (Personnel), Northeast Frontier Railway, Maligaon, Guwahati, Pin-781011.
3. The Divisional Railways Manager, Northeast Frontier Railway, Katihar (Bihar), Pin-854105.
4. The Divisional Railways Manager, (Personnel), Northeast Frontier Railway, Katihar (Bihar), Pin-854105.
5. The Assistant Personnel Officer, (GAZ), Northeast Frontier Railway, Maligaon, Guwahati, Pin-781011.
6. The Assistant Personnel Officer-III, Northeast Frontier Railway, Katihar, Bihar-854105.

... .. Petitioner/s

Versus

Nirbhay kumar S/o Late Binod Kumar Commercial Superintendent, N.F. Railways, Katihar, Resident of Lohiya Nager, Opposite Mary Immacceble School, Katihar, Bihar, Pin- 844105.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Sr. CGC
		Mr. Ram Tujabh Singh, CGC
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 30-04-2025 In the instant petition, petitioners have prayed for the following reliefs:

“1. That the instant writ petition has been filed by the petitioner for setting aside the order dated 11.05.2023 passed in O.A. No. 050/000074/2023 by the learned Central Administrative Tribunal, Patna whereby the



petitioner has been directed not to debar the respondent from participating in the selection process and he has been declared eligible for ACM Group-B selection 70% quota vacancy in pursuance of the notification bearing. E/254/11/Comml/ Pt.VIII(O) dated 27.01.2023. Furthermore, the learned CAT has quashed the letter bearing no. E/170/Legal Cell/NS/ 3052/2023 dated 27.01.2023 issued by the Assistant Personnel officer (GAZ) Nort East Frontier Railway, Maligaon.”

2. Time and again, matter was heard. The following orders were passed on 22.01.2025, 26.03.2025 and 16.04.2025. which reads as under:

22.01.2025

“Repeatedly, we are asking the learned counsel for the petitioners to apprise this Court from the Rules of Recruitment governing the post of Group- ‘B’ to the extent that under Group- ‘C’ category, Level-7 of the Pay Matrix and Level-6 of the Pay Matrix, is to be taken into consideration for the purpose of promotion/appointment to Group- ‘B’ cadre. Till date, he is relying on certain extraneous material like internal communication between the Officers to contend that for the purpose of promotion to Group- ‘B’ cadre, two categories of pay-scale under Group- ‘C’ is



required to be taken into consideration, namely, Level-7 of Pay Matrix and Level-6 of Pay Matrix. This is not reflected in the Rules of Recruitment. In the absence of such clause in the Rules of Recruitment governing the post of Group- 'B', the aforementioned contention of the learned counsel for the petitioners is not appreciable unless and until, Rules of Recruitment to the post of Group- 'B' is amended.

2. Be that as it may, in order to provide one more opportunity, re-list this matter on 19.02.2025. If the relevant Rules of Recruitment are not furnished to the extent that Level-7 of the Pay Matrix and Level-6 of the Pay Matrix under Group- 'C' category is to be considered with reference to the Rules of Recruitment, the present petition would be dismissed.”

26.03.2025

“In the light of our order dated 22.01.2025, learned counsel for the petitioner submitted on instruction that there are no Rules of recruitment or executive order governing promotion to the post of Group-B from the post of Group-C and what is available is only Master Circular No. 68, and that is being followed.

2. For the purpose of promotion to Group-B post feeder cadre is Group-C. Perusal of Master Circular No. 68, there are various conditions stipulated and ultimately para 9 relating to



integrated seniority of employees belonging to different streams/seniority units for the purpose of promotion to Group-B post. Further, it relates to a particular pay scale read with the Grade Pay and so also to follow the social reservation in promotion for SC's and ST's. For the purpose of filling up of Group-B post. Which is the final integrated seniority of the employees of Group-C is not forthcoming so as to ascertain what is the position or ranking of the respondent. In order to ascertain as to whether he would be within the zone of consideration with reference to three vacancies to be filled up in the light of Clause-8.1 of the Master Circular No. 68, to the extent of number of vacancies, if it is three, in that event number of employees to be considered would be ten. From the integrated seniority list of Group-C up to what serial number Group-B promotion has been already undertaken further whether respondent would fall within ten employees for the purpose of filling up of three vacancies or not is required to be examined.

3. In this regard, the concerned petitioner is hereby directed to depute an official, who is well conversant with the matter along with the complete records. The concerned petitioner is hereby directed to take note of each of the para of Master Circular No. 68 insofar as promotion to the post of Group-B from the cadre of Group-C on the next date of hearing.



4. Re-list this matter on 16.04.2025.”

16.04.2025

“Mr. Ritesh Ranjan, Chairman Railway Recruitment Cell, Guwahati is present in person.

2. There is no assistance from the learned counsel for the petitioner insofar as apprising the combined seniority list of feeder cadre to Group-B post from different Divisions so as to take note of name of the respondent appears in the combined seniority list. Petitioners are not disputing that the respondent is in Group-C cadre. Prima facie the petitioners have not prepared combined seniority list of Group-C cadre so as to apprise this Court that the respondent's name reflects at a particular ranking or serial number.

3. In the light of our previous order up to what serial number in the combined seniority list of Group-C have been promoted to Group-B so as to consider from that point about 10 persons within the zone of consideration to fill up three vacancies. Further, what would be the social reservation of SC/ST and roster point. These are all not forthcoming in the file or records.

4. Re-list this matter on 30.04.2025. If the learned counsel for the petitioners fail to convince on the next date of hearing, petition would be dismissed.”

3. The petitioners could not apprise with reference



to the aforementioned orders read with the material information.
In the absence of those material information, the petitioners have not made a case so as to interfere with the impugned order of Central Administrative Tribunal, Patna Bench, Patna dated 11.05.2023 passed in O.A. No. 050/000074/2023.

4. Accordingly, the present Writ petition stands dismissed.

5. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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