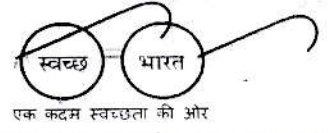




दक्षिण पूर्व मध्य रेलवे  
South East Central Railway



मुख्यालय कार्मिक विभाग, प्रथम तल, महाप्रबंधक कार्यालय, बिलासपुर (छ. ग.) 495004  
HEAD QUARTER PERSONNEL DEPARTMENT, 1<sup>ST</sup> FLOOR, GM'S OFFICE, BILASPUR (C.G.) 495004  
सं. पी-एचक्यू/रुलिंग/प्रमोशन (GAZ)/14/6711 दिनांक:- 12.12.2019

प्रति,  
सर्व संबंधित

स्थापना नियम सं.-330/2019

**विषय:-**Selection for promotion to Gr. B post of AOM in Traffic Department/SEC Rly. against 30% LDCE quota.

रेल्वे बोर्ड के पत्र सं. E(GP)2008/2/27 दिनांक 28.01.2015 की प्रति सूचना, मार्गदर्शन तथा आवश्यक कार्यवाही हेतु प्रकाशित की जा रही है। बोर्ड के संदर्भित पत्र क्र. E(GP)2004/2/72 दिनांक 08.09.2005 को भी यहाँ प्रकाशित किया जा रहा है।

उपरोक्त नियम दफ्तरे की अधिकारिक वेब-साइट <http://www.secr.indianrailways.gov.in> एवं PCPO के share folder (10.206.2.18) पर निम्नलिखित लिंक पर उपलब्ध हैं:-

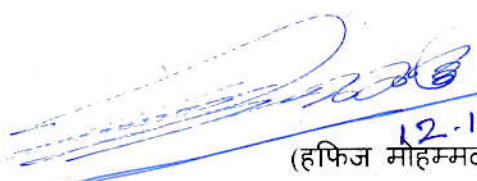
**Web-site-**

Home page—About us—Department—Personnel—Estt. Rules.

**Share Folder-**

Home page—html—Estt. Rules

संलग्न:- यथोक्त. (3 पृष्ठ)

  
12-12-19  
(हफिज मोहम्मद)  
उप मुख्य कार्मिक अधिकारी (एच.क्यू.)  
कृते प्रधान मुख्य कार्मिक अधिकारी

17337  
02/02/15

251

330/2019

E/R no. - ~~330~~/2019

B/1

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No. E(GP)2008/2/27

New Delhi, dated 28.01.2015

The General Manager(P),  
South East Central Railway,  
Bilaspur.

(Kind Attn: Shri R.K. Tripathi, CPO)


Sub: Selection for promotion to Gr. B post of AOM in Traffic Department/ S. E. C. Rly. Against 30% LDCE quota.

Ref: S. E. C. Railway's letter no P-HQ/CON/452/1/0/01 dated 02.01.2015

With reference to S. E. C. Railway's above-mentioned letter, it is advised that no instructions have been issued by the Railway Board on the subject of re-evaluation of answer sheets. However, in cases where irregularities in 70% Selections/30% LDCEs (including irregularities in evaluation of answer sheets) have been established, corrective action may be taken in terms of Board's letter No. E(GP)2004/2/72 dated 08.09.2005 (copy enclosed).

DA: As above

SPD/Gar  
2/28  
2/15

  
(LILY PANDEYA)  
DIRECTOR, ESTT.(GC)  
RAILWAY BOARD

Pls. put up on  
case file, early.

3  
5/2

02/583/Corp.  
6/2



330/19

P/2

25

F/2

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

\*\*\*\*\*

New Delhi, dated: 08.09.2005

No. E(GP)2004/2/72

The General Managers,  
All Indian Railways and PUs.

Sub: Hon'ble Supreme Court's judgement in case of Union of India and  
Ors. vs. Rajesh P.U., Puthuvalnikathu and another reported in 2003  
SCC (L&S) 1048. ~~Full text of the Judgment: F/181 F/187~~

In two recent cases on CLW and S.C. Railway, where the action of the General Managers cancelling certain Gr'B' selections on account of irregularities noticed in evaluation, had been challenged before Hon'ble CAT/Calcutta and Hon'ble CAT/Hyderabad respectively, the Hon'ble Tribunals have set aside the orders of the General Manager of the concerned Railway/PU. In both these orders, the Hon'ble Tribunals have based their decision on the judgement of the Hon'ble Supreme Court in case of Union of India and Ors. vs. Rajesh P.U., Puthuvalnikathu and another reported in 2003 SCC (L&S) 1048, under which the Apex Court has ruled against cancellation of examinations unless warranted by a categorical finding that there has been widespread infirmities of an all-pervasive nature which could be said to have undermined the selection process itself as a whole. The concerned Railways have been directed by the Board to finalise the selections in question after correcting the irregularities from the stage at which they have occurred.

2.0 The above ruling of the Apex Court was in the context of a selection process initiated by the C.B.I. for recruitment, which was subsequently cancelled after written test and declaration of result thereof. The Hon'ble Supreme Court had found that in the selection, 31 candidates were found to be successful even though they were not entitled to be declared successful, whereas the selection of other candidates was found to be in order. Hence, the Hon'ble Supreme Court had ordered that "There seems to be no serious grievance of any malpractice as such in the process of the Written Examination either by the candidates or by those who actually conducted them. The Special Committee has extensively scrutinized and reviewed the situation by re-evaluating the answer-sheets of all candidates and ultimately found that except 31 candidates found to have been declared successful and selected for appointment, there was no infirmity whatsoever in the selection of the other successful candidates. In the light of the above and in the absence of any specific or categorical finding supported by any concrete and relevant material that widespread infirmities of an all-pervasive nature which could be really said to have undermined the very process itself in its entirety or as a whole and it was impossible to weed out the beneficiaries of one or the other irregularities, or illegalities,

Contd...2/-...

RECEIVED  
Ministry of Railways  
2005  
2005  
2005  
2005



390/19  
P/3

if any, there was hardly any justification in law to deny appointment to the other selected candidates whose selections were not found to be, in any manner, vitiated for any of the other reasons. Applying a unilaterally rigid and arbitrary standard to cancel the entirety of the selection is nothing but total disregard of relevancies giving a complete go-by to the contextual considerations throwing to the winds the principle of proportionality in going farther than what was strictly and reasonably to meet the situation. In short, the competent authority misdirected itself in taking such an extreme and unreasonable decision of cancelling the entire selections, wholly unwarranted and unnecessary even on the factual situation found too, and totally in excess of the nature and gravity of what was at stake, thereby virtually rendering such decision to be irrational."

3.0 The above orders of the Hon'ble Supreme Court may please be kept in view while examining the necessity of cancellation of Gr'B' selections on grounds of irregularities that come to light subsequently. In such cases a judicious decision may be taken having regard to the circumstances of the case and the feasibility of correcting the irregularities from the stage they have occurred.

4.0 Please acknowledge receipt.

V. Vaidehi

(V. VAIDEHI)  
JOINT DIRECTOR/ESTT.(GP)  
RAILWAY BOARD

le