

EAST CENTRAL RAILWAY

Esstt. Office Order No.- 1798/05/Posting/SSE(Drg/Civil)/2019

The following Orders are issued with the approval of the competent authority to take immediate effect.

On being empanelled by RRB/Patna for appointment for the post of Senior Section Engineer (Drg)/Civil in scale R 9300-34800/-G.P. RS 4600/-in 6th CPC & Level-7 in 7th CPC and on accepting the terms and condition as mentioned in the offer of appointment letter NO-E/Rectt/SSE(Drg./Civil)/17 dt. 05.10.2017 and also on being declared medically fit in the prescribed medical category, the following candidate has successfully completed prescribed training of one year i. Institutional & field training from 07.04.18 to 07.04.19 under AEN/BRKA, ZRTI/Bhuli & Sr. DEN(C)/DHN and declared passed vide ZRTI/Bhuli's letter no. ZRTI/12/JE/SE/Drg/Ph-I/Ini/18 Bhuli dt. 30.08.2018 and letter No.ZRTI/12/JE/SE/Drg/Ph-II/Ini/19 dt. 19.01.2019, is now posted as Senior Section Engineer (Drg)/Civil in Engg Deptt. on pay Rs.44900/-+ usual allowances in Level-7 in 7th CPC as per RBE No.90/2016 at the station/ Section mentioned below.

Details of the candidate are as under:-

| Name (Sri) | Father's Name (Sri) | DOB | Com | D.O.J at Trg. | Medical Cat.No.& Date | Place of Posting under |
|------------------------------------|-------------------------------|----------|-----|---------------|---|------------------------|
| Shashikant Machchhindranath Ingole | Machhindranath Ghulaji Ingole | 06.02.77 | SC | 07.04.18 | A-3(Aye Three) without Glass, 758408 dt. 29.12.17 | DEN/TR/DHN |

The above candidate will be governed under new restructured defined (NPS) contributory pension scheme vide Rly Board's No.F(E)III/2003/PNI/24 dated 31.12.03.

Brief History of case:- Employment Notice No. RRB/PAT/1/2006-07 had been issued for various categories of Section Engineer/Jr. Engineer in the year 06.01.2007. As per notification a common application were sought from 06.01.2007 to 05.02.2007 by the candidates for category No. 4,5,6,7 and 8 for the post of Section Engineer (Works), Section Engineer(WS), Section Engineer (Bridge), Section Engineer(P.Way) and Section Engineer (Drawing&Design/Civil), respectively. In this regard Sri Shashikant Machhindranath Ingole had given his application for category No. 4,5,6,7, and 8. In response to his application he was called for written examination held on 06.01.2008. After written examination a common merit list was prepared and according to merit position Sri Shashikant Machhindranath Ingole had been considered for document verification for the post of Section Engineer (Drawing& Design/Civil), category No. 08 as his merit was lowest. During the document verification it came to light that the applicant had filled his application from the said selection on 27.01.2006 which was the date of one year back because the employment Notice was issued on 06.01.2007. As per procedure of Railway Recruitment Board, applications with such irregularity like pre-dated/back-dated/wrong dated are required to be rejected. Accordingly, the applicant's application was rejected and not found fit for empanelment as such his name/roll no did not appear in the final result.

Due to not having published the final result of the applicant he filed an O.A No. 297 of 2008 before Hon'ble CAT/Patna. Hon'ble CAT/Patna after hearing the parties directed the then Chairman to treat the O.A as representation and pass reasoned and speaking order. Thereafter on 02.09.2009, applicant filed a representation before the Chairman. The Then Chairman rejected the claim of the candidate by passing a reasoned and speaking order dt. 20.10.2009. After rejection the applicant again challenged the speaking order dt. 20.10.2009 vide O.A No. 04/2010 before the Hon'ble CAT/Patna. The Hon'ble CAT/Patna passed the order in favour of candidate and directed the Respondents to publish the final result of the candidate. It stated " to publish the result of the examination, and if the applicant is found successful, to appoint the applicant to the post of Section Engineer, if otherwise eligible, in the next vacancy, unhindered by the small mistake on the part of the applicant in noting the year as 2006 instead of 2007 in the application form which was not clearly intended to seek any undue benefit, inasmuch as the application form was for the examination in question and the applicant was found to be successful" .

In consequence, RRB/Patna filed writ petition in the Hon'ble High Court/Patna for passing order to quash the judgment and order dt. 27.09.2012 passed in O.A No. 04/2010 passed by Hon'ble CAT/Patna. Hon'ble High Court rejected the appeal of RRB/Patna and upheld the judgment of Hon'ble CAT/Patna vide an order dated 31.03.2016. It stated " We have heard learned counsel for the petitioner and find no error in the order passed by the Tribunal. The year mentioned in the application form is inconsequential when the application was for the post advertized. Such, mistake is an inadvertent mistake and cannot be made basis to reject a candidature of the candidate who was successful in the examination. We do not find any error in the order passed by the Tribunal which warrant any interference in present writ application. The writ application thus stands dismissed.

RRB/Patna's proposed to Railway Board to go for SLP in Hon'ble Supreme Court against the order passed by Hon'ble High Court. After getting approval from Railway Board vide letter No. 2013/E(RRB)/22/6 dt. 30.09.2016 RRB/Patna filed SLP in the Hon'ble Supreme Court. Hon'ble Supreme Court passed order dated 05.01.2017 in which it dismissed the petition of RRB/Patna. Hon'ble Supreme Court stated " We do not find any merit in this petition, which is hereby dismissed".

In compliance of Hon'ble Courts order, Chairman/RRB/Patna sent to panel of Sri Shashikant Machhindranath Ingole alongwith his application form in original to GM(P)/HJP for appointment as Senior Section Engineer (Drawing/Civil) vide his letter No. RRB/PAT/Conf/01/06-07/1/17 dt 27.04.2017 and Dhanbad Division has been allotted by GM(P)/HJP for appointment as Senior section Engineer (Drg./Civil) vide his letter No. ECR/HRD/Rectt/227/SE(Drg./Civil) dt.05.07.2017.

It should be also noted that Sri S.M.Ingole was earlier working as Sr. ACC in level-5 in BCT Divn. Of Western railway tendered technical resignation and relieved vide DRM(E)/BCT/WR's Lt No. E/C/1140/2/3 dt.29.03.18 and reported to this office on 03.04.2018 as such inaction period from 30.03.18 to 06.04.18 may be regularized as per extant rule.

It should be noted that candidate is being appointed provisionally in terms of RLY Board's Secret letter NO-E(D&S) 78 GS4-2, dated 10.10.79 and also subject to verification of his caste certificate . The candidate is warned that if any, false information has been furnished or there has been suppression of any factual information in the application form/ attestation form which comes to notice at any time during the service of a person, his /her services will be terminated.

Photograph, Signature and LTI of candidate is attested below.

(Ujjawal Anand)
Sr. Divl. Personnel Officer
E.C Railway, Dhanbad
Dhanbad dt 31/05/2019

Docket NO. E/Rectt/SSE(Drg/Civil)/17

Copy to:- Sr.DEN(C)/DHN, Sr.DEN/TR/DHN, Sr.DFM/DHN for kind information please.

Copy to:- DRM(E)/WR/BCT- for kind information please. He is requested to please arrange to send Vetted LPC & Service Record in f/o Sri Shashikant Machchhindranath Ingole, Ex Sr.ACC/NDN/WR/ BCT Divn.

Copy to:-COS/E/DHN, Ch.OS/Engg/DHN- for information & necessary action please.

Copy to:- Concerned Incharge- for information . He is advised to send the date of joining /change sheet of above named candidate to Ch.OS/Engg in time.

Copy to:-Ch.OS/Pay bill concern – for information and necessary action please. His stipend may be charged as per attendance sheet and actual salary may be charged from the taking independent charge.

Copy to:- Concerned candidate with advice to join duty as soon as possible.

31/5/19
Sr. Divl. Personnel Officer
E.C Railway, Dhanbad