

## CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, DELHI

Ahmedabad Bench

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O.A No. 134

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T.A. No.

DATE OF DECISION 23-4-1990

All India Loco Running Staff Petitioner  
Association.

Mr.K.K.Shah Advocate for the Petitioner (s)

Versus

Union of India & Another Respondent

Mr.N.S.Shevde Advocate for the Respondent(s)

## CORAM .

The Hon'ble Mr. N.Dharmadan J Judicial Member

The Hon'ble Mr. M.M.Singh : Administrative Member

JUDGMENT

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All India Loco Running Staff  
Association Baroda Division  
(Through its Chairman  
Mr.J.A.Masquitta ) L/19/B,  
Railway Quarters, Maninagar,  
Ahmedabad-380 009.

: Applicant

Versus

1. Union of India  
(Notice to be served  
through the General  
Manager) Western Railway,  
Churchgate-Bombay.
2. Divisional Railway Manager,  
Pratapnagar, Vadodara-390 004.

: Respondents

Coram : Hon'ble Mr.N.Dharmadan

: Judicial Member

Hon'ble Mr.M.M.Singh

: Administrative Member

23-4-1990

ORAL ORDER

Per: Hon'ble Mr. N.Dharmadan

: Judicial Member

Heard Mr.K.K.Shah, learned counsel on behalf of the applicant, <sup>and</sup> association by name All India Loco Running Association Baroda Division (through its Chairman Mr.J.A.Masquitta), approached this Tribunal challenging Annexure-I the recruitment notification dated 1:1.1987 inviting applications from amongst skilled artisan staff from electric maintenance (Traction) of Electric Loco Shed of BRC Division for filling up the post of Assistant Drivers (Electric) scale Rs.950-1500(R).

When an objection was raised with regard to the representative capacity of the association being figuring as an applicant in this case, this Tribunal, on 24.6.1987, passed an order directing the applicant to include the names of few other persons who will be affected by the impugned notification and the decision to be rendered by the Tribunal. Accordingly, the applicant's counsel <sup>carried out by</sup> effected the amendment in the O.A. by incorporating a list of affected persons in the application.

(1)

From the list furnished ~~and~~ <sup>per 42</sup> the aforesaid order of the Tribunal we can only get few names. The details of the persons ~~with~~ <sup>42</sup> they are working in Steam Traction or Diesel Section ~~is~~ <sup>42</sup> not clear. No further details regarding the manner in which they are affected by ~~means~~ <sup>the given by</sup> of such notification ~~is~~ <sup>42</sup> also clear from the averments made and ~~the amount~~ <sup>42</sup> ~~is~~ <sup>42</sup> affected in this behalf.

The main contention of the applicant is placed on paragraphs 129 to 133 of the Manual which makes provisions for the channel of promotion of Fireman category B, C and Engine Cleaners to the post of Assistant Drivers. According to the applicant, there are two separate channels of promotion in Running Branch and Maintenance Branch. <sup>base by</sup>  
The applicants <sup>are by</sup> working in the Running Branch and they have been absorbed at the time when the steam traction <sup>operating is</sup> was <sup>involved</sup>. The Manual which is produced before us <sup>laid by</sup> contains notification upto 1959. The <sup>counsel has not</sup> brought to our notice any latest notification issued by the Railway after the conversion <sup>of the establishment by</sup> steam traction to diesel traction. The railway will be forced to pass certain policy matters for implementing the progressive decision in regard to the conversion <sup>from steam traction to diesel traction</sup> and this has been highlighted by the respondent in their counter affidavit in paragraph-5.

The relevant portion reads as follows:-

"It is submitted that in terms of Railway Board's instructions contained in their letter No.E(NG) III-75/PCI/69 dated 19.8.1981 the method of recruitment to the post of Assistant Drivers (Electric) and Diesel Assistant is as under:

- (a) 50% by usual selection procedure from amongst Fireman 'B' who have studied upto 8th class and are below 45 years of age.
- (b) 50% by Departmental Examination held amongst Fireman 'B' & 'C' who are Matriculates and have 3 years of Railway Service.
- (c) If usual selection referred to in (A) or the Departmental Examination referred to in (B)

DR GJ (8)

above fail to provide enough candidates for respective quotas, direct recruitment to be made through Railway Recruitment Board to make up the shortage."

The submissions made by the learned counsel appearing on behalf of the respondents is that as per the Notification the Railways are entitling to make selection for filling up of 20 percent of the post as indicated in the policy statement. It has been stated that this policy statement was issued on account of dieselisation and by implementation of this policy there may be slight variation with regard to the promotional chances of existing employees <sup>in the various</sup> who were originally <sup>studied</sup> working in the steam traction but that cannot be remedied. However these are not issues arising at this stage. We are of the opinion that the challenge in this case itself is premature. <sup>by</sup> The <sup>actual</sup> means of the ultimate selection and actual appointment of persons causing any manner of <sup>in pursuance of this impugned notification</sup> interest and obstruction to the promotion chances of the applicant <sup>arises</sup> such of the employees who will be affected by the postings are free to approach the legal forum. Simply <sup>when</sup> a notification has been issued <sup>and that</sup> <sup>too issued</sup> on the basis of policy statement, the applicant cannot be considered to be <sup>aggrieved</sup> persons for attracting the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act.

The applicants have not even challenged the policy statement, if <sup>any, even</sup> in pursuance of which the impugned <sup>order</sup> notification has been issued. They have also not challenged the GM (E) CCG letter No.E/EL/834/7/AC dated 20.9.1982 referred to in Annexure-A and pursuant to <sup>which</sup> the notification <sup>been issued</sup> <sup>in this case</sup>. has issued, it has not been challenged. So under these circumstances, we are of the opinion that there is no <sup>or</sup> <sup>in</sup> injustice for the applicant so as to grant any relief at this stage. Though the learned counsel

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appearing for the applicant argued at length with regard to the selection process, the training period fixed for course, etc. and contended that if these persons who ~~were~~ <sup>to be</sup> newly selected ~~were~~ <sup>be</sup> posted as Drivers within that 20 percent category overlooking the claims of the applicants who are well experienced, there will be ~~disadvantages and detrimental~~ <sup>valid</sup> departmental effect in the working under the Railway. But we feel these are not <sup>valid</sup> reasons for the ~~purpose of~~ <sup>attacking</sup> issuing order now placed before us <sup>by</sup> namely the validity of the Annexure A1. Having regard to the facts and circumstances of this case, we see no merit in the application and it is to be dismissed. There will be no order as to costs.

M. M. Singh  
(M.M. Singh)  
Administrative Member

N. Dharmadan  
(N.Dharmadan)  
Judicial Member

a.a.b.