

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

O.A.No. 159/1992

Ahmedabad this the 29th day of September, 2000

**Hon'ble Mr. V. Ramakrishnan, Vice Chairman
Hon'ble Mr. P.C. Kannan, Judicial Member**

1. A.B. Mandis
2. Association of Railway & Post Employees through its Treasurer
Shri R.C. Pathak
Having office at
Allap Flats, Opp. Anjali Theatre,
Vasna Road, Ahmedabad. Applicants

By Advocate: Mr. P.H. Pathak

VERSUS

1. Union of India
Notice to be served through
General Manager (WR)
Churchgate, Bombay.
2. Divisional railway Manager
Western Railway
Kothi Compound
Rajkot.
3. Shri Usman U.
Diesel Assistant
Notice to be served through
D.R.M. (W.R)
Kothi Compound, Rajkot.

4. Abdul Jiwa
Diesel Assistant
Notice to be served through
D.R.M. (W.R)
Kothi Compound, Rajkot. Respondents

By Advocate: Mr. N.S. Shevde

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman

We have heard Mr. Pathak for the applicants. We have heard Mr. Shevde on a number of occasions. The applicants are 12 in numbers whose names listed at Annexure A functioning as Fireman has filed this OA.

2. The applicants who were Fireman Gr.I had approached the Tribunal in 1992 making a grievance that their juniors were promoted to the post of Diesel Assistant and/or Shunter-cum-Driver. They had also prayed for a direction that the Railway Administration should follow the criteria of seniority while making promotion. In para 8 of the application, they have stated that apparently the applicants had been overlooked for promotion to the Diesel Assistant and Shunter-cum-Driver on the ground that their juniors have higher educational qualification. They had contended that there is an order of the Railway Administration dated 5.3.90, copy at Annexure A-6 which stipulates that surplus steam staff may be given conversion training in Diesel/Electric traction without insisting on any educational qualification and age restriction, but subject to some minimum conditions like screening, intelligence and literacy to absorb the conversion training and undertaking that they are liable for transfer to other stations and that they should pass the conversion training within three chances.

3. The respondents in their reply have not specifically dealt with some of these contentions. This reply is not clear particularly in the context of the Railway Board circular which clearly provides for relaxation and removal of restriction on age limit. The Railways have filed an additional reply dated 20.9.2000 where they have dealt with the case of the 9 of the 12 applicants. In this reply it is stated that two of the applicants are working as Senior Passenger Driver and one applicant retired as Senior Passenger Driver and another as Senior Goods Driver and one retired as Senior Shunter and three have retired from Railway service. The details of the other three are not brought. Mr. Shevde has stated that the Railway Administration has not been able to locate the details of the remaining three applicants. Mr. Shevde further submits that in view of the fact that some of them~~s~~ had been given promotion as Senior drivers while two are working as Shunter, it was evident that they were considered and were given the relief sought for by the Railways. The additional reply is not complete inasmuch as it does not say as to what happened to the three applicants who had retired. It is also not clear from the statement as to ~~whether~~ where the relaxation of age and educational qualification was given subsequently or not ~~as per~~ by the Railway Board's circular referred to earlier. Mr. Pathak for the applicants states that as some of the applicants had retired and some are working as running staff, he has not been able to contact them and get their details particularly as the grievance related to 1992 onwards.

4. We have considered the submissions of both sides. We note that some of the applicants have retired from Railway service. As they are running staff and the OA was filed as early as 1992 they have not been in touch with the counsel. Prima facie it appears from the ~~initial~~ ^{addendum} reply

statement that the Railway Administration had given promotion to them to the level of Diesel Assistant and Shunter as a number of them had retired on a much higher level as Passenger drivers or Senior Goods Drivers. However, the complete factual position has not been given in the additional written statement. We direct the Railway Administration to intimate each of the applicant whose names are in Annexure A regarding details of their promotion and other relevant aspect through a speaking order. In particular they shall indicate whether the benefit of Railway Board circular of March 1990 was given to them in terms as envisaged in the circular. They shall also deal with the case of the three applicants who are stated to have retired and whether they actually retired as Shunter as their position has not been given in the additional reply statement. This should be done within three months from the date of receipt of a copy of this order and this position should be communicated to the applicant, within three months thereafter.

5. With the above direction, the OA is finally disposed of. No costs.

6. Mr. Pathak undertakes to effect direct service to Respondent No.2 of this final order.


(P.C.Kannan)
Member(J)


(V.Ramakrishnan)
Vice Chairman

Vtc.