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OA-389194

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

counter copy  
not served.

Pabu Bench  
27/12

counter not  
served.

Pabu  
23/1/01 Bench

Rejoinder not  
filed.

Pabu Bench  
27/12

For hearing.

Pabu Bench  
15/3

S.M.

09. 28.02.2001

Last chance to file rejoinder has  
passed. No rejoinder has been filed yet.  
Further time cannot be allowed to  
file rejoinder. pleadings are taken to be  
complete, adjourned to 16.03.2001. for  
hearing.

S.M.  
Vice-Chairman  
28/2

Member (J):

10. ORDER DATED 16-3-2001.

Heard Shri G.C. Mohapatra, learned counsel  
for the applicant and Shri B. Pal, learned Senior  
counsel for the Respondents and have also perused  
the records.

2. In this Original Application, applicants  
1 and 2 have stated that they are working as  
Diesel Driving Assistant (in short D.D.A.) and they  
belong to SC. Applicant No. 3 is All India SC/ST  
Railways Employees Association, SE Railway, Khurda  
Road Branch represented by its Senior Vice-  
President, N. Appa Rao. In this Original Application  
the applicants have set forth their grievances  
and have prayed for such orders as the Tribunal  
may deem fit. Respondents have filed counter  
opposing the various averments of the applicants.  
No rejoinder has been filed. Grievance of the  
applicants are that they originally joined as  
Engine Cleaner in 1974 and were promoted as second  
fireman in 1976. They were promoted as Fireman in  
1985 and were allowed to work as Diesel Driving  
Assistant from December, 1985. So far as applicant

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## NOTES OF THE REGISTRY

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No.1 is concerned and from June,1986 for applicant No.2 is concerned. Applicants have stated that for filling up of the post in the Railways reservation for SC/ST have to be observed and this has been emphasized by the Chief Personnel Officer, Garden Reach in his letter dated 27.12.1993. Applicants have further stated that in the provisional seniority list of DDAs name of applicant No.1 finds mentioned against Sl.No.92 and that of applicant No.2 against Sl.No.102. Above them there are eight SC employees whose names find placed against serials mentioned by the applicants in para 4-X of the Original Application. Next promotion from the post of DDA is to the grade of Shunter. Grievance of the applicants is that without observing reservation principle Divisional Railway Manager, Khurda Road, Respondent No.3 had promoted 14 DDAs to the post of Shunter ignoring the cases of applicants 1 and 2. Sl.Nos. of these persons who have been promoted to the post of shunter have been mentioned by the applicants in para 4-XII of the Original Application. It is further stated that after a few days of promotion of these persons <sup>again</sup> ~~again~~ they were promoted to the post of Goods Driver Gr.II and thereby giving double benefits of promotion to them within a short period. In the context of the above the applicants have come up with the grievance and with the prayer as mentioned above.

3. From the above recital of averments made by the applicants in their Original Application their grievance is ~~with~~ <sup>John</sup> regard to non-observation of reservation principle in the matter of filling up of the post of Shunter by way of promotion.



NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free copy  
of the order  
dt. 16.3.01  
given to the  
both counsel.  
faha  
28/3

S. J.

4. Respondents in their counter have pointed out that there is no short-fall in the representation of SC in the grade of Shunter Gr.II. This averment has not been denied by the applicants by filing any rejoinder. Therefore, it must be held that at the level of shunter at the time promotion of these 14 persons there was no short-fall in the representation of SC persons. In view of the above, applicants 1 and 2 can not claim that they should have been promoted to the post of Shunter over the head of their seniors in the provisional seniority list on the ground that they are belonging to SC community.

5. The second aspect of the matter is that according to the Respondents 14 persons who were promoted were working as DDA Gr.I in the scale of Rs.1200-2040 whereas the applicants are in the post of DDA Gr.II in the scale of Rs.950-1500/-. In view of this the applicants can not claim that they should have been considered for promotion straightaway from the post of DDA Gr.II to the post of Shunter. In view of the above we hold that the applicants are not entitled to be promoted in place of 14 persons who have been given promotion to the post of Shunter. In any case, the applicants have not made these 14 persons as Respondents to this O.A. On this ground also their claim for promotion in place of the 14 persons can not be considered.

6. In the result therefore, we hold that the Original Application is without any merit and the same is rejected. NO costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Son  
(SOMNATH SON)  
VICE-CHAIRMAN  
16.3.2001