

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, CALCUTTA.

O.A.NO.: 1019/96

Date of decision : 22-JUNE-2000.

R.S.Choubey, son of Late Jamuna Choubey, aged about 46 years, working as Truck Driver Gd.I under T.F.O./CHE, S.E.Rly., Kharagpur, residing at Qtr. No.772, Unit 4, South Side, Jhapetapur, Kharagpur, Dist.: Midnapore, with 9 others.APPLICANTS.

By Advocate :- Mr. A.Chakraborty.

Vs.

2. Union of India service through the General Manager, S.E.Rly., Garden Reach, Calcutta-43.
2. Sr. Divisional Electrical Engineer [T.R.D.], S.E.Rly., Kharagpur.
3. The C.T.F.O./OHE/S.E.Rly.,/Dalbhumgarh, Singhbhum, Bihar.
4. The T.F.O./OHE, S.E.Rly., Santragachi.
5. The T.F.O./OHE, S.E.Rly., Kharagpur.
6. The C.T.F.O./RD/Kharagpur, S.E.Rly.
7. The T.F.O./OHE, Haldia, S.E.Rly.
8. The T.F.O./OHE, Gidhini, S.E.Rly.
9. K.V.Rao, M.T.Driver Gd.II under JE/11/OHE, Haldia, SRC.
10. S.K.Paul, Tower Wagon Driver under CTF0/OHE/DVM.

By Advocate :- Mr. S.Sen.

C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.
HON'BLE MR. L.R.K.PRASAD, MEMBER [ADMINISTRATIVE].

ORDER DICTATED IN COURT.

S.NARAYAN, V.C.:- This application centres around an employment notice dated, 28th June, 1995, issued by the Sr. Divisional Electrical Engineer [TRD], S.E.Railway, Kharagpur, whereby, options were invited for promotion on the post of M.T.Driver Gd.II & III. The pay-scales, as also the eligibility criteria had been spelt out in the notice, vide Annexure-A.

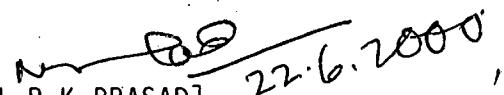
2. The applicants before us have asserted that they also were eligible for promotion to the aforesaid post. The fact, however, remains, as candidly admitted in para 4.4 of the application, that the applicants, who were then working as Motor Jeep Drivers, could not apply for the aforesaid post as according to the respondents they were not eligible to apply for the said post. Had the applicants made ~~an~~ applications for

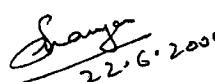


promotion and those were rejected by the respondents, we could have examined whether the order of rejection was valid or not. No such question now arises because the exercise with regard to the employment notice dated, 28th June, 1995, has already been completed. It would not be out of place also to mention here that whereas, the employment notice was issued on 28th June, 1995, with cut-off date of filing application as 10th June, 1995, the applicants filed the instant OA as late as on 22nd August, 1996. That being the position, this OA, in any view of the matter has become infructuous.

3. Since we had a chance to go into the pleadings of the respondents in the reply filed on their behalf, we have taken note that, in fact, the applicants wanted to challenge the policy decision of the respondents with regard to the eligibility criteria or with regard to the feeder post for promotion to the post of M.T.Driver Gd.II & III. This aspect of the matter, in our opinion, should be examined at the hands of the respondents for future guidelines.

4. For the foregoing reasons this OA is dismissed as infructuous. It shall be, however, open for the applicants to represent their case afresh before the respondents with regard to the policy decision or the re-structuring of the various posts for promotion to the post of M.T.Driver Gd.II & III. The applicants, if so desired, must file their representation within six weeks from the date hereof and, upon filing of the representation, the respondents shall dispose of the same within six months thereafter with a speaking and reasoned order. There shall be, however, no order as to costs.


[L.R.K. PRASAD]
MEMBER [A]


[S. NARAYAN]
VICE-CHAIRMAN

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