

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.421/96

Wednesday this the 31st day of March, 1999.

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HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

V. Parameswaran,
Ballast Train Checker,
Chief Permanent Way Inspector's Office,
Southern Railway,
Kozhikode.

Applicant

(By advocate Mr. TA Rajan) vs.

1. Union of India, represented by the
General Manager, Southern Railway,
Madras.

2. The Divisional Railway Manager,
Southern Railway,
Madras.

3. The Divisional Railway Manager,
Southern Railway,
Palakkad.

4. The Divisional Personnel Officer,
Southern Railway, Palakkad.

5. The Principal, Zonal Training School,
Southern Railway,
Thiruchirapally.

...Respondents

(By Advocate Mr. Mathews J Nedumpara)

The application having been heard on 31.3.99, the
Tribunal on the same day delivered the following:

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HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

Heard the learned counsel for the
parties. Perused the record.

2. In this Original Application, the
applicant has sought a direction to the respondents
to promote him to the post of Material Train Guard.

3. In their reply statement, a specific
stand was taken by the respondents that there was no
cadre in the Railways known as the Cadre of Material

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Train Guard. On 18.6.98 this fact was brought to the notice of the learned counsel for the applicant and on his request he was given time to produce the records/documents to show that there was a cadre of Material Train Guard with a specific scale of pay, cadre strength etc. In spite of several opportunities being given till 10.9.98 no documents in that regard could be produced by the learned counsel for the applicant. Today, the learned counsel for the applicant produced before us a zerox copy of the Indian Railway Permanent Way Manual published by the Government of India, Ministry of Railways (Railway Board) and printed in Southern Railway Press, Madras in the year 1985. Referring to paragraphs 1208 and 1209 of Indian Railway Permanent Way Manual, the learned counsel for the applicant tried to assert that the cadre of Material Train Guard was existing in the Railways. Learned counsel also referred to the documents Annexures A.18, A.19 and A222 filed alongwith the Original Application. On a perusal of these documents we find that there is nothing to indicate existence of the cadre of Material Train Guard. Order dated 18.6.98 requiring the applicant to disclose the specific scale of pay as also cadre strength of the Material Train Guard, if such a cadre was existing according to him in the Railways is not complied with. However, from the documents produced it is not possible to show the cadre strength of Material Train Guard or the

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specified pay scale of such a post. For these reasons we are of the view that the applicant has not been able to show existence of a promotional post of Material Train Guard and accordingly it is not possible to grant him the reliefs claimed by him in this application. The Original Application therefore, appears to be misconceived. Accordingly it is hereby dismissed but without any order as to costs.

Dated the 31st day of March, 1999.

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER

K.M. Agarwal

K.M. AGARWAL (J)
CHAIRMAN

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List Annexures referred to in the order:

Annexure.A.18: True copy of the Order No.J/T.171/VIII/Vol.II dated 17.1.94 of the Senior Divisional Safety Officer, Southern Railway, Palakkad.

Annexure.A.19: True copy of the Order No.J/T-37-IX-Vol.43 dated 21.11.95 of the Senior Divisional Engineer, Co-ordination, Southern Railway, Palakkad.

Annexure.A.22: True copy of the certificate No.4784 dated 15.4.96 issued by the 5th respondent to the applicant.

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