

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.446/92

Wednesday, this the 6th day of July, 1994.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR S KASIPANDIAN, ADMINISTRATIVE MEMBER

AS Mohan,
Ex-Man Mazdoor,
Ambalaparambil House,
Mulloorkara P.O.
Wadakkancheri-680 583.

- Applicant

By Advocate Mr R Santhoshkumar

Vs.

1. Union of India through
General Manager,
Southern Railway,
Park Town, Madras-3.
2. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
3. The Deputy Chief Engineer
(Construction),
Southern Railway,
Trivandrum-14.

- Respondents

By Advocate Mrs Sumathi Dandapani

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks to quash Annexure-A6 by which his request for re-engagement was rejected. Complaining that several of his juniors had been engaged, applicant moved this Tribunal. By Annexure-A4 order in O.A-771/91, this Tribunal directed respondents to dispose of a representation made, or to be made by applicant. After considering such representation, Annexure-A6 order was issued.

2. Respondents submit that no junior of applicant had been engaged, other than those who belong to Scheduled Caste/Scheduled Tribe. Counsel for applicant was unable to show any error apparent on the face of the record.

3. Respondents have filed a scheme for consideration of this Tribunal. It is not for us to frame schemes and evolve policies. As pointed out by the Supreme Court in Union of India and others Vs. Shri Tojram Patashramji Bombhate & others in Civil Appeal 233/91 and other decisions, it is not for Tribunals to form schemes or evolve policies, involving financial burden.

4. In Inderpal Yadav & others Vs. Union of India & others, (1985) 2 SCC, 648 and like cases, the Supreme Court has framed schemes or ordered schemes, to be framed. The Supreme Court has powers to pass any order necessary to secure the ends of justice, even in the absence of a law enabling passing of such orders. This is a power which inheres in the highest constitutional Court of the land. It inheres in the Supreme Court, and in no other Court; it will be wrong for a Court or a Tribunal to liken itself to the Supreme Court and exercise powers which are available only to the Supreme Court under Article 142. If the Railways think that a scheme should be framed on the lines suggested herein, they will be free to do so without the intervention of this Tribunal.

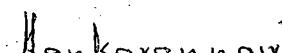
5. Subject to the aforesaid, the application is dismissed.

No costs.

Dated, this the 6th day of July, 1994.



S KASIPANDIAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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