

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 456 of 1997.

Wednesday this the 10th day of November, 1999.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. K.Varadaraj,
Shunting Master Grade II,
Southern Railway,
Salem Junction, Salem-5
residing at Railway Quarters,
Salem.
2. S. Arumugham,
Shunting Master Grade II,
Southern Railway,
Salem Junction, Salem-5,
residing at Railway Quarters,
Salem.

.. Applicants

(By Advocate Shri P. Ramakrishnan)

Vs.

1. Union of India, represented by the
General Manager, Southern Railway,
Head Quarters Office, Chennai.
2. The Divisional Personnel Officer,
Southern Railway, Palghat.
3. V.K. Balan, J/T.574,
Shunting Master Grade I,
Southern Railway, Calicut.
4. K.C. Devan, JT 16859,
Shunting Master Grade I,
Southern Railway, Shornur.
5. K. Ponnusamy, J/T 134,
Shunting Master Grade I,
Southern Railway, Peelmedu.
6. V. Raman, J/T 127,
Shunting Master Grade I,
Southern Railway, Palghat.
7. R. Karuppan, 16816,
Shunting Master Grade I,
Southern Railway, Peelmedu.

.. Respondents

(By Advocate Shri James Kurien (for R.1&2))

The application having been heard on 10th November, 1999,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants who are Shunting Masters Grade II are aggrieved that while the respondents 3 to 9 who were their juniors have been selected and appointed as Shunting Masters Gr.I by impugned order A-4 on the basis of the empanelment A2, the applicants have been left out of consideration. The applicants have therefore, filed this application for the following reliefs:


- a) to issue an order quashing/setting aside Annexure A4.
- b) a declaration that the applicants are entitled to be considered for selection to the post of Shunting Master Grade I;
- c) an order directing the 2nd respondent to consider the applicants for selection to the post of Shunting Master Grade I.

2. The official respondents contend that the applicants were considered for selection, but could not be empanelled as they did not make the grade and juniors superceded them as it happens in a selection process.

3. The applicants did not choose to file a rejoinder denying the allegations made in the reply statement that the applicants who were also considered for selection could not make the grade and therefore were not empanelled. Since the applicants participated in the selection and failed, we find no legitimate cause of action for them to maintain this application.

4. The application is, therefore, dismissed leaving the parties to bear their own costs.

Dated the 10th November, 1999.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures referred to in the order:

Annexure A2: True copy of order No. J/P.677/VIII/Shunting Master
Grade I dated 13.11.96 issued by the 2nd respondent.

Annexure A4: True copy of Office Order No. TD 1/97 dated
2.1.1997 issued by the 2nd respondent.