

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

DATED THURSDAY THE THIRTY FIRST DAY OF AUGUST NINETEEN  
HUNDRED AND EIGHTY NINE

PRESENT

Hon'ble Shri N.V.Krishnan, Administrative Member

and

Hon'ble Shri N. Dharmadan, Judicial Member

ORIGINAL APPLICATION No.458/89

1. P.O. Antony
2. P.K. Ayyappan

...Applicants

V.

1. The Permanent Way Inspector,  
(open line), Southern Railway,  
Alwaye.
2. The Assistant Engineer,  
(Open Line), Southern Railway,  
Trichur.
3. The Union of India represented  
by the General Manager, Southern  
Railway, Madras.
4. Shri V. Gopinathan, Keyman,  
Office of PWI (Open Line),  
Southern Railway, Alwaye.
5. Shri Ali, Keyman, Office of PWI,  
(Open Line), Southern Railway,  
Alwaye.

....Respondents

Mr, Asok M Cherian,

: Counsel for the  
applicants

Mrs. Sumathi Dandapani

: Counsel for the  
respondents

Shri N.V. Krishnan, Administrative Member

In reply to this Original Application the respondents have filed a statement opposing the admission.

2. The applicants' grievance is that they were not promoted as Gangmates.


3. <sup>the</sup> In/reply furnished by the respondents it has been stated that the post of Gangmate is filled by conducting a suitability test. Such <sup>a</sup> test was held on 3.3.1989 by the Assistant Engineer, Southern Railway, in which both the applicants and the respondents 4 and 5 have been participated. It is stated ~~in~~ that, securing 60% <sup>marks</sup>, will entitle the person to be considered for appointment and that while <sup>the</sup> two respondents obtained such marks, the applicants 1 and 2 did not get the pass marks. Further details of adverse remarks of the two applicants ~~are~~ also mentioned in the reply statement which would account for the non-selection.

4. The applicants' contention ~~is~~ that, unless the applicants are positively declared to be unfit for promotion in the Character Rolls as specified in para 212 of the Indian Railway Establishment Manual, they should be considered to be ~~fit~~ fit for promotion, cannot be accepted. For the mere absence of a negative entry in the Character <sup>in the relevant column relating to promotion</sup> Rolls of the employees will not make them eligible for promotion ipso facto. In this case it is seen from the

statement submitted by the respondents that the two applicants were punished for mis-conduct. <sup>to</sup> Hence they were not rightly selected

5. In the circumstances, we are of the view that the application is not fit for admission, and the application is, therefore rejected.

  
(N.D. Dharmadan)  
Judicial Member

  
(M.V. Krishnan)  
Administrative Member

31.8.1989