

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.541/96, O.A.555/96 and O.A.556/96

Monday, this the 27th day of May, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

O.A.541/96

KK Nanu
Clerk,
Office of the Electrical Foreman(Works),
Southern Railway,
Mangalore. - Applicant

By Advocate Mr P Viswambharan

Vs

1. Union of India represented by
the General Manager,
Southern Railway, Madras.
2. The Divisional Railway Manager,
Southern Railway,
Palakkad.
3. The Divisional Personnel Officer,
Southern Railway,
Palakkad. - Respondents

By Advocate Mrs Sumathi Dandapani

O.A.555/96

E Rajendran,
Office Clerk,
Office of the Loco Foreman(Diesel),
Southern Railway, Erode. - Applicant

By Advocate Mr P Viswambharan

Vs

1. Union of India represented by
the General Manager,
Southern Railway, Madras.
2. The Divisional Railway Manager,
Southern Railway, Palakkad.
3. The Divisional Personnel Officer,
Southern Railway, Palakkad. - Respondents

By Advocate Mrs Sumathi Dandapani

O.A.556/96

K Krishnan,
Office Clerk,
Office of the Permanent Way Inspector(North),
Southern Railway, Salem. - Applicant

By Advocate Mr P Viswambharan

Vs

1. Union of India represented by
the General Manager,
Southern Railway, Madras.
2. The Divisional Railway Manager,
Southern Railway, Palakkad.
3. The Divisional Personnel Officer,
Southern Railway, Palakkad. - Respondents

By Advocate Mrs Sumathi Dandapani

The applications are having been heard on 27.5.96 the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicants seek appropriate directions to respondents, to
allow them to continue as Office Clerks. Other ancillary reliefs are
also sought.

2. Applicants were initially appointed as Store Watchmen and
then promoted as Office Clerks in 1991. The promotions were
challenged in OA 600/91 and connected cases, on the ground that
the promotions were made in violation of para 110(a) of the Indian
Railway Establishment Manual. Under that para, promotional
avenues rule provided for:

"Railway servant in Class IV categories (Group D) for whom
no regular avenue of promotion exists".

The contention was that applicants had other avenues of promotions
and that they could not have availed of the benefit of para 110.

The contention was upheld and the applications were allowed, quashing the promotions granted to applicants.

3. Thereafter applicants approached this Tribunal with OA 1031/94 claiming certain reliefs on the basis that passing an examination enabled them to get appointed as Office Clerks, was sufficient to earn some other promotions. The Tribunal held that the examination they passed was the same and observed that respondents may consider the question of giving them exemption from appearing for the test again, after finding that:

"we do not discern any legal right in the applicants to get themselves exempted from appearing for the test again..."

The Tribunal thus held that applicants had no right to get exemption, but that the Railways could grant exemption, if they thought fit.

4. It is now stated by Counsel for Railways that the matter was considered and that exemption was declined. If applicants are aggrieved by that, they can challenge that order. No relief can be granted in the present applications.

5. Applications are disposed of accordingly. Parties will suffer their costs.

Dated the 27th May, 1996

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN