

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 574 of 1992.

DATE OF DECISION 11-11-1992

C.P.Venugopalan Applicant (s)

Mr.P.Sivan Pillai Advocate for the Applicant (s)

Versus

Union of India rep.by General Manager, Southern Railway and others Respondent (s)

Mr.M.C. Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **S.P.Mukerji**, Vice Chairman
and

The Hon'ble Mr. **A.V. Haridasan**, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Hon'ble Shri **S.P.Mukerji**, Vice Chairman)

In this application dated 12.4.1992 filed under Section 19 of the Administrative Tribunals Act the applicant who is admittedly a Group 'C' Teacher has prayed that he should be considered for promotion for the post of Assistant Personnel Officer in the Personnel Department. He has challenged the impugned order dated 19.2.92 at Annexure.A.3 ^{the relevant part of} which reads as follows:

"Volunteers from amongst Group 'C' staff of personnel Branch and Ministerial Staff of General Administration, Transportation(power) Transportation (Traffic and Commercial) Mechanical Engg., S&T, Civil Engg. RPF and Stores Departments."

contd...2

As teaching staff are not coming under the above category they will not come within the eligible field to be volunteered for LDCE - Personnel Department.

The above teachers may suitably be informed of the position."

2. We have heard the learned counsel for both the parties and gone through the documents carefully. The only point which is to be decided on this application ^{who} whether the applicant/is a Group 'C' Teacher is a person belonging to the Personnel Department or not. The respondents' case as is evident from the impugned order at Annexure.A.3 ^{is that the selection} has been limited to "volunteers from amongst Group 'C' staff of Personnel Branch....." The respondents agree that the applicant belongs to Group 'C' staff but they are saying that he does not belong to ^{the} Personnel Branch. On our request the learned counsel for the respondents produced before us the Service Book of the applicant which clearly indicates that the applicant belongs to no other department than the Personnel. In the reply statement dated 8.6.92 filed by the Dy.Chief Personnel Officer, Southern Railway, Madras, in para 3 it has been clearly stated that the posts of Assistant Personnel Officer are filled by promotion through selection amongst others from "Group 'C' staff of the Personnel Department".

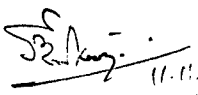
3. Whatever may be the arguments given by the respondents they cannot deny the fact that all Group 'C' staff of the Personnel Department are eligible for consideration for promotion as Assistant Personnel

Officer and that as the matter stands the applicant is a Group 'C' staff belonging to ^{the} Personnel Department. In the light of the above, we are fully convinced that the application will have to be allowed.

4. Accordingly we allow the application, set aside the impugned order dated 19.2.92 at Annexure.A.3 and direct that the applicant also should be considered for selection to the post of Assistant Personnel Officer in the Personnel Department for which selection is scheduled to ^{or being} held in pursuance of the notification dated 19.9.91 at Annexure.A.1. We also direct that in case the selection process has already been initiated it should be completed and the results announced only after the applicant also has been considered for the aforesaid post. There will be no order as to costs.

5. A copy of this judgment be given to the learned counsel for the applicant on priority basis.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

11th Nov. 1992

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