

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.584/09

Thursday this the 29th day of July 2010

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

E.K.Unnikrishnan,
S/o.K.V.Ravunni Nair,
Helper Grade I, Diesel Loco Shed,
Southern Railway, Ernakulam.
Residing at Elattu Valappil Kalathil,
P.O.Chazhiyattil, (Via) Peringole, Palakkad District. ...Applicant

(By Advocate M/s.K.Ramakumar & Associates)

V e r s u s

1. The Senior Divisional Personnel Officer,
Southern Railway, Thiruvananthapuram.
2. Southern Railway represented by its General Manager,
Head Quarters, Chennai. ...Respondents

(By Advocate Mr.K.M.Anthru)

This application having been heard on 29th July 2010 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant in this OA has sought a direction to the respondents to declare that he is eligible to be granted promotion to the post of Technician Grade III.

✓

.2.

2. The brief facts of the case are that the respondents vide letter No.V/P.98/IV/DSL/Vol.3 dated 22.3.2007 issued a notification to fill up four vacancies (SC-1, UR-3) through selection in Technician Grade III in Diesel Mechanic Wing of Diesel Shed, Ernakulam in the scale of Rs.3050-4590 against 20% serving employees' quota. The applicant was one of the person who applied pursuant to the aforesaid notification. His contention is that he was included in the select list and thereafter any denial of grant of promotion is wholly unreasonable and irrational. He has also submitted that he has made representation to the respondents personally and through the Union but no action was taken by them to grant him promotion.

3. The respondents in their reply statement admitted that the applicant was one of the persons who has volunteered for the post of Technician Grade III pursuant to the aforesaid notification dated 22.3.2007. They have further submitted that ten persons including the applicant had submitted their applications and undergone test on 19.10.2007. The result was published on 1.11.2007 vide Annexure A-1 letter No.V/P.98/IV/DR-SE/Vol.III dated 1.11.2007. Out of those ten persons, seven have scored 60 and above marks and became eligible for further selection. The applicant was one among them and he got the 6th position, as detailed below :-

✓

.3.

| | Name of the employee | Designation | Station |
|---|------------------------------|-------------|-----------------------|
| 1 | G.G.Binu (empanelled) | Helper/I | Diesel Shed/Ernakulam |
| 2 | S.Rajesh | -do- | -do- |
| 3 | V.S.Harish (empanelled) | -do- | -do- |
| 4 | Vivek Kumar (empanelled) | -do- | -do- |
| 5 | Ajithkumar Tiwari | -do- | -do- |
| 6 | E.K.Unnikrishnan (applicant) | -do- | -do- |
| 7 | K.M.Gopakumar | -do- | -do- |

4. Subsequently, the Selection Committee, vide Annexure R-1 dated 28.1.2008, selected three employees from the above panel, namely, Shri.G.G.Binu, Shri.V.S.Harish and Shri.Vivek Kumar belonging to unreserved category in the order of their merit and appointed as Technician Grade III. As none of the scheduled caste candidates have qualified in the test, no promotion could be granted to the employees belonging to the said category and the one earmarked vacancy has been carried forward to the next recruitment year. Counsel for the respondents has also submitted that the aforesaid three employees have already joined the service and they have been sent for training.

5. Since the learned counsel for the applicant was not available we did not have the opportunity to hear him. However, we have gone through the entire records available before us. We have also heard the learned counsel for the respondents Shri.K.M.Anthru. The facts are very clear in

✓

4.

this case. There were only four vacancies of Technician Grade III and ten persons have applied for the same. Three vacancies were reserved for unreserved category and one vacancy was reserved for scheduled caste category. The applicant belonging to unreserved category can claim only for vacancies reserved for said category. In the written test conducted by the respondents the applicant's position was only 6th. The respondents have filled up the available three vacancies earmarked for the unreserved category by the persons who have occupied higher position in the written test/select list. We, therefore, find no merit in this OA. Accordingly, the same is dismissed. There shall be no order as to costs.

(Dated this the 29th day of July 2010)


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

asp