

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 60 of 1995

Wednesday this the twenty fourth day of January
One thousand nine hundred and ninety six.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. R.Jayachandran, Electrical Fitter/Diesel
Southern Railway, Diesel Loco Shed,
Ernakulam Junction.

2. V.Radhakrishnan -do-

3. C.J.Varghese -do-

4. P.Balan -do-

5. M.T.Kesavan -do-

6. P.Krishnan -do-

7. C.R.Gopalakrishnan -do-

8. A.K.Raveendran -do- ... Applicants

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. Union of India, through the
General Manager,
Southern Railway, Madras.3.

2. The Chief Personnel Officer,
Southern Railway, Madras.3.

3. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum.14. ... Respondents

(By Advocate Mr. James Kurien)

The application having been heard on 24.1.1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants who are Electrical Fitters, seek a
direction to fill up twenty percent of the vacancies in

the post of Diesel Assistants, by promoting Electrical Fitters. The pleadings on either side do not throw any light on the question whether this is being done or whether this is not being done. What we have are apprehensions and vague denials.

2. Twenty percent of the posts of Diesel Assistants are earmarked for Electrical Fitters. On 18.10.93 that rule was amended bringing matriculate Diesel Khalasis also into the eligible feeder category. According to applicants the vacancies that arose between 16.7.91 and 18.10.93 cannot be given to matriculate Diesel Khalasis. Only Electrical Fitters are eligible. There can be no doubt about the correctness of the position stated by the applicants and respondents have not placed any material before us to show that the position is otherwise.

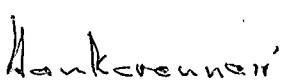
3. We direct respondents to assess the number of vacancies arising between 16.7.91 and 18.10.93 in the twenty percent quota aforesaid and to fill up these vacancies by promoting/appointing Electrical Fitters.

4. Original Application is disposed of with the aforesaid directions. No costs.

Dated 24th January, 1996.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

RA No. 6/96 in OA No. 60/95

Tuesday, this the 26th day of March, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Union of India through
the General Manager,
Southern Railway, Madras-3
2. The Chief Personnel Officer,
Southern Railway,
Madras-3
3. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum. Review Applicants

By Advocate Mr. James Kurian, ACGSC

Versus

1. R. Jayachandran,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.
2. V. Radhakrishnan,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.
3. C.J. Varghese,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.
4. P. Balan,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.
5. M.T. Kesavan,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.
6. P. Krishnan,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.
7. C.R. Gopalakrishnan,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed, Ernakulam Junction.

8. A.K. Raveendran,
Electrical Fitter/Diesel,
Southern Railway,
Diesel Loco Shed,
Ernakulam Junction. .. Respondents

By Advocate Mr. TC Govindaswamy

The application having been heard on 26th March, 1996, the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

By our order in OA 60/95, we directed respondents:

"to assess the number of vacancies arising between 16.7.91 and 18.10.93 in the twenty percent quota and to fill up these vacancies by promotion/appointing Electrical Fitters".

2. Counsel for Railways submits that not only Electrical Fitters, but also Diesel Fitters are entitled to be appointed to this quota. This was not brought to our notice, as it should have been, by either side at the appropriate time. But an omission should not prejudice the rights of Diesel Fitters. We clarify the judgment to mean that the twenty percent quota in question shall be filled up by promoting/appointing Electrical Fitters and Diesel Fitters.

3. With this clarification, we dismiss the Review Application. No costs.

Dated the 26th March, 1996

P. V. Venkatakrishnan
P. V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

H. Sankaranair
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN