

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATE OF DECISION 26 - 3 - 1991

PRESENT

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

And

Hon'ble Shri A.V.Haridasan, Judicial Member

Original Application No.585/90

C.V.Ashok Kumar & : Applicants  
Another

Vs.

Union of India (General  
Manager, S.Railway,  
Madras) and 2 others. ... Respondents

M/s K.Ramakumar &  
V.R.Ramachandran Nair ... Counsel for applicants

M/s M.C.Cherian,  
Saramma Cherian &  
T.A.Rajan .... Counsel for respon-  
dents

ORDER

N.V.Krishnan, Admve. Member

These two applicants have prayed for the  
following reliefs:

(i) To call for the records leading to  
the Annexure-G and quash the same.

(ii) To direct the respondents to consider  
the applicants for re-engagement in  
the light of the past services  
rendered by them.

(iii) To issue such other orders or dire-  
ctions as the Court may deem fit and  
proper in the circumstances of the case.

2. When the application came for admission  
we had doubts about its maintainability. Normally,  
we would have rejected the application in limini.

However, we showed some indulgence to the applicants in order to find out whether the respondents could in any way accommodate them. We have now heard both the parties and proceed to pass this order in respect of admission.

3. The applicants were rendered surplus in 1982 consequent on dieselisation of trains in Palghat Division. A large number of such personnel were being screened for appointment as Rakshaks in the Railway Protection Force. The applicants got themselves screened and appointed in the RPF Training Centre. However, they left the RPF after a few days. For this reason the railway authorities did not consider them, as surplus personnel and did not treat them as other surplus personnel were treated.

4. The applicants' grievance on this account was found to be baseless by the Tribunal in TAK 208/87, and the connected Review Application in OAK 377/88.

5. However, while dismissing OAK 377/88, we expressed the hope that the Railway Administration would consider possibilities of the applicants being taken back to the RPF by making suitable recommendations to the RPF, if any representation is made by the applicants in that behalf specifically. The present application is a sequel to this observation.

6. Such a representation was made by the applicants for re-appointment in the RPF as Rakshaks and they have been informed by the 3rd respondent, the Divisional Personnel Officer, Southern Railway, Palghat, in the impugned Annexure-G order that the representations made by them have been carefully examined by the competent authority and considering all aspects it has not been found possible to accept their request for re-appointment as Rakshaks in the RPF. The applicant has impugned the Ann.G order and sought the reliefs mentioned in para 1. When the case came for admission, a note on the maintainability of this application was put up by the Registry stating that the Railway Protection Force, being an Armed Force of the Union, our jurisdiction will not extend to any orders passed by them.

7. However, we were not sure as to who was the competent authority referred to in the Annexure-G letter, we directed the counsel of the respondents to clarify the position. The 3rd respondent has now submitted a statement indicating that the Chief Security Commissioner of the Railway Protection Force had considered the request of the applicants earlier on the basis of the order in TAK 208/87 and expressed his unwillingness to take back the applicants as Rakshaks in the RPF. Again, in pursuance of the observations in OAK377/88 the representations made by the applicants were forwarded on 26.2.90 to the Chief Security Commissioner of the RPF. He then informed the Railways on 8.3.90 that he still stood by his earlier decision. It is on the basis of this communication that Annexure letter was issued.

8. It is, therefore, clear that the decision not to take the applicants back in the RPF is that of the Chief Security Commissioner, RPF. Therefore this application cannot be admitted as it is really aimed at the order passed by an authority over whom we have no jurisdiction.

9. We had also observed that the two applicants who have suffered on account of mistakes committed by them knowingly or unknowingly, needed some sympathetic consideration at the hands of the Railways who may try to rehabilitate them in some manner or the other. In this regard, the third respondent has submitted in his statement as follows:

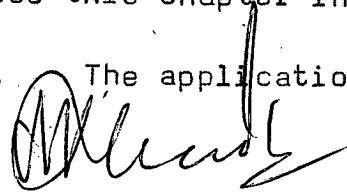
"Regarding the possibility of rehabilitating the applicants, it is submitted as follows:

The re-deployment of the applicants in Railway Protection Force was done in 1982 in accordance with the scheme drawn up for rehabilitation of staff rendered surplus due to closure of steam loco sheds. However, the applicants have abandoned the job. In similar situation the surplus staff including casual labourers were even re-deployed in other divisions and they are now making a claim for repatriation to Palghat Division. There are also a number of steam surplus staff working in supernumerary posts working in Palghat Division itself. Under the circumstances it is found not feasible to re-engage the applicants who were also casual labourers rendered surplus, but abandoned the job in which they were fitted. It is feared that the induction of such persons by the Railway is likely to result in other claims by retrenched casual labourers, persons who have been redeployed to other Divisions etc."

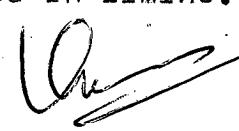
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10. The stand taken by the respondents cannot be faulted and as far as we are concerned we have to close this chapter in regard to our observations.

11. The application is dismissed in limine.



(A.V. Haridasan)  
Judicial Member



(N.V. Krishnan)  
Administrative Member

26.3.1991

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