

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.588 OF 1997.

Wednesday this the 22nd day of December 1999.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

1. R. Kandasekharan, Diesel Fitter, Office of the Senior Section Engineer (Diesel), Diesel Loco Shed, Southern Railway, Erode. residing at: Railway Quarters No. 468-C, Railway Colony, Erode.
2. M. Sampath Kumar, Diesel Fitter (Mechanical), Office of the Senior Section Engineer (Diesel), Diesel Loco Shed, Southern Railway, Erode. Residing at: Railway Quarters No.70-A, Railway Colony, Erode. Applicants

(By Advocate Shri T.C. Govindaswamy)

Vs.

1. Union of India represented by the General Manager, Southern Railway, Madras.
2. The Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.
3. Senior Section Engineer (Diesel), Diesel Loco Shed, Southern Railway, Erode. Respondents

(By Advocate Shri James Kurien, ACGSC)

The application having been heard on 22nd December, 1999, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicants who are Diesel Fitters (Mechanical), Skilled Grade II working in the Palghat

...2/-

Division of the Southern Railway is that while they are eligible according to the recruitment rules published in the Personal Branch Circular No.114/95 (A1) for appointment to the vacancies in the cadre of Diesel Assistants to the limit of 20% in case of shortfall they have not been included in the alert notice A3 though they have volunteered in time without any reason or justification. The applicants states that they are eligible to be considered for selection and appointment by induction and have prayed that they may be declared as eligible to be considered for appointment as Diesel Assistants against 20% quota ear-marked for Skilled Artizan (Diesel and Electrical Fitters) and I.T.I. qualified Khalasis and A3 may be set aside to the extent it excludes their name. The applicants have contended that in all other divisions other than the Palghat Division, Skilled Artisans Grade I and II have been considered for selection as Diesel Assistants and even in the Palghat Division during the previous selection the skilled artisans irrespective of their grades have been considered.

2. Respondents in their reply statement have contended that since the appointment of Skilled Artisans towards the shortfall vacancies to the extent of 20% of Diesel Assistants is by lateral induction only those skilled artisans who are in the grade of Rs.950-1500 alone are eligible for being considered and the applicants who are in the scale of Rs.1200-1800, are not entitled to be considered.

3. Regarding the claim of the applicants that in other divisions skilled artisans irrespecive of the grades are being considered for induction, the respondents contend that they are not aware of the grounds on which such dispensation was made and the same has been referred to the Chief Personnel Officer.

4. During the pendency of the application on the basis of the interim order the applicants also have been allowed to participate in the selection process.

5. We have heard the learned counsel on either side and have perused the materials available on record. Either in Annexure A1 or in Annexure R1 there is no indication that Skilled Artisans who are in grade Rs. 950-1500 alone would be eligible for induction as Diesel Assistants. As per the Recruitment Rules Annexure A1 and instructions contained in Annexure R1, skilled artisans are all entitled for induction. Though the Union of India represented by General Manager, Southern Railway, Madras has been impleaded as first respondent, in the reply statement filed on behalf of all the respondents it has not been indicated as to why in Palghat Division alone skilled artisans grade I and II are not being considered eligible for lateral induction as Diesel Assistants while in other divisions they are considered eligible. It is also not made clear why a different criteria was adopted during the current selection while in Palghat Division itself during the previous years skilled artisans Grade II were considered eligible for induction as Diesel Assistants.

6. In the light of what is stated above we do not find any justification in the stand of the respondents that the applicants who are skilled artisans are ineligible to be considered for lateral induction as Diesel Assistants just because they are on a higher pay scale than Rs. 950-1500/-.

7. In the result, the application is allowed., It is declared that the applicants as Skilled Artisans are entitled

to be considered for appointment as Diesel Assistants against 20% quota earmarked for skilled artisans in (Diesel and Electrical Fitters) and I.T.I. qualified Khalasis and direct the respondents to publish the result of the selection held treating the candidature of the applicants as valid without further delay. No costs.

Dated the 22nd December, 1999.

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J.L. NEGI
ADMINISTRATIVE MEMBER

A.V. Haridasan
A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A1: A true copy of the Personnel Branch Circular No. 114/95 date nil communicated by General Manager, Southern Railway, Madras.

Annexure A3: A true copy of the letter bearing No. J/P 535/V/3/DSL/PR dated 11.4.97 issued by the 2nd respondent.

Annexure R1: Letter No.E(NG)I-90/PM1/34/Pt.II dated 25.4.97 (RBE No. 62/97) from Joint Director Establishment(N), Railway Board New Delhi addressed to the General Manager (P), All Indian Railways and others.