

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 618/90
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The Indian Railway permanent
Way Employees Union rep. by its
Secretary PJ David, Head Clerk
Asstt. Engineer's Office,
Palakkad and another. DATE OF DECISION 13.2.1991

Mr. P. Santosh Kumar Advocate for the Applicant (s)

Versus

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

Mr MC Cherian for R 1-3 Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Administrative Member

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

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Mr NV Krishnan, A.M.

The only prayer made in this application is to quash the Annexure-V order dated 12.7.90 of Respondent-2 by which the age limit of Gangmen for in-take into Traffic Department is set at 35 years instead of 45 years. It was directed that employees who are 35 years and more will not be considered. A direction is sought to the Respondent-2 that employees in the age group between 35 and 45 years, who have applied in terms of the Annexure IV notice inviting volunteers, should also be considered.

2. The respondents have filed a reply in which they have stated as follows.

" The above OA is filed challenging Annexure-V order by which the age limit for Engineering Gangman, Trolleyman etc. for getting absorbed in the Traffic Department, in the 10% quota has been

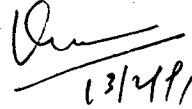
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changed from 45 to 35. The challenge is mainly on the ground that this respondent has initially called for volunteers for the said 10% in-take as per Annexure-IV letter dated 26.2.90, by specifying the age limit as 45 and afterwards the age limit has been changed to 35 as per Annexure-V order dated 12.7.90. In this connection, it is submitted that in view of the earlier notification indicating the age limit as 45, it has now been decided to stand by it without insisting on the change made to 35 years. Thus it can be seen that the above OA has become infructuous."

3. In view of the fact that the respondents have agreed to consider the cases of the persons falling within the age group of 35 and 45 years for the transfer of Gangmen to Traffic Department for which Annexure V was issued, this application has become infructuous and therefore, for that reason it is dismissed.



(AV Haridasan)
Judicial Member



(NV Krishnan)
Administrative Member

13.2.1991