

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.74/98

Wednesday, this the 21st day of January, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

1. K Sasidharan,
Diesel Assistant,
Office of the Chief
Crew Controller,
Southern Railway,
Erode.
2. KR Mani,
Diesel Assistant,
Office of the Chief
Crew Controller,
Southern Railway,
Erode.
3. KM Mohammed Yusuf,
Diesel Assistant,
Office of the Chief
Crew Controller,
Southern Railway,
Erode.

- Applicants

By Advocate Mr TC Govindaswamy

Vs

1. Union of India represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town.P.O.
Chennai-3.
2. The Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat.

- Respondents

By Advocate Mr James Kurian, ACGSC

The application having been heard on 21.1.98 the
Tribunal on the same day delivered the following:

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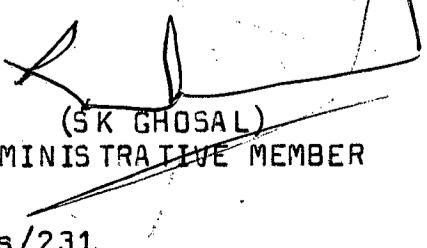
HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicants are claiming promotion with effect from 16.7.91 on the ground that as per Railway Board endorsement No.131/91, instructions were given for filling up of vacancies in the category of Diesel Assistants detailing the various source from which appointments are to be made. According to this instruction, 20% of the vacancies, in case there is a shortfall in other methods suggested earlier, should be filled by lateral induction of skilled artisans and the applicants belong to that category. Since the applicants were not given such promotion, they approached this Tribunal filing O.A.1352/92. Following a decision of the Tribunal in O.A.1350/92, the Tribunal disposed of that application directing the respondents to pass appropriate orders as expeditiously as possible for giving promotion to the applicants in accordance with law in their turn and merit within 20% quota, in Palghat Division which arose on 16.7.91 with all consequential benefits which they are legally entitled in accordance with law. It was also prescribed that the above exercise should be completed within a period of four months. Pursuant to the above order, the respondents have passed the order dated 5.6.97 promoting the applicants with effect from various dates after screening and on their

successful completion of the diesel conversion course (A-3).

The grievance of the applicants is that as the respondents have delayed the process, their appointments have been delayed and they are therefore entitled to be promoted and given seniority with effect from 16.7.91. On a perusal of the application and the Annexures thereto and on hearing the learned counsel on either side, we do not find even a *prima facie* ground to entertain the application. The respondents were by order at A-2 in O.A.1352/92 directed to consider the promotion of the applicants in accordance with law in their turn on their merit as expeditiously as possible within a period of four months. If the respondents did not undertake the process within the time stipulated, the applicants should have either moved the Tribunal to take action under the Contempt of Courts Act against the respondents or should have moved for having the order executed by filing a Miscellaneous Application under Rule 24 of the Central Administrative Tribunal (Procedure) Rules. They have not done so. The respondents, in accordance with the instructions considered the applicants and promoted them in their turn on their merit on completion of the diesel conversion course. We do not find that there is any legitimate grievance of the applicants to be redressed now. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated, the 21st January, 1998.


(SK GHOSAL)
ADMINISTRATIVE MEMBER

trs/231


(AV HARIDASAN)
VICE CHAIRMAN

LIST OF ANNEXURES

1. Annexure A2: Judgement in O.A?1352/92 dated 17.2.94 delivered by this Hon'ble Tribunal.
2. Annexure A3: Office Order No.3/PR 20/97 dated 5.6.97 issued by the second respondent.

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