

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 155/ 2007

Monday, this the 29th day of September, 2008.

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HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE DR K.S.SUGATHAN, ADMINISTRATIVE MEMBER

N.Satheeshkumar,
Senior Assistant Loco Pilot,
Southern Railway, Erode.Applicant

(By Advocate Mr Martin G Thottan)

v.

1. Union of India represented by
the General Manager,
Southern Railway,
Park Town.P.O.
Chennai-3.
2. The Divisional Railway Manager,
Palghat Division,
Southern Railway, Palghat.
3. The Senior Divisional Personnel Officer,
Palghat Division,
Southern Railway, Palghat.
4. The Divisional Mechanical Engineer,
Palghat Division,
Southern Railway, Palghat.Respondents

(By Advocate Mr Thomas Mathew Nellimoottil)

This application having been finally heard on 16.9.2008, the Tribunal on 29.9.2008 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has sought the following reliefs in this O.A:

- (i) Declare that the applicant is entitled to be considered for promotion to the posts of Loco Pilot (goods) in scale 5000-8000 on par with



those included in Annexure A-7.

- (ii) Direct the respondent to consider the applicant for promotion on par with those included in Annexure A-7 and to grant the consequential benefits.

2. The Annexure A-7 referred to by the applicant in the aforesaid reliefs is an order dated 21.11.2006 issued by the 3rd respondent, viz, Senior DPO, Palghat Division, Southern Railway placing 28 employees who have been selected and recommended in the panel for promotion as Loco Pilot (Goods) in scale Rs.5000-8000. It has also been stated in the said letter that 28 posts reserved for ST and 20 posts for SC have been kept unfilled for want of qualified employees.

3. The applicant is a Senior Assistant Loco Pilot in the scale of pay Rs.4000-6000. For promotion to the post of Loco Pilot (Goods) in the scale Rs.5000-8000, an Assistant Loco Pilot/Senior Assistant Loco Pilot should have a minimum of 2 years service with 60,000 K.M of Foot Plate Experience and have completed T.R 11 course. The respondents vide Annexure A-3 letter dated 21.8.2006 alerted 66 eligible candidates to fill up 80 vacancies (21 for SC, 28 for ST and 31 for UR). It was also stated in the said letter that the eligible employees holding LM 16/TR 11 as on 22.5.2006 are considered for the selection. The applicant has contended that the respondents had delayed in sending him to undergo the TR11 course. Even then, he had successfully completed TR11 course on 14.8.2006 but the certificate to that effect was issued to him only on 25.8.2006 (Annexure A-2) by the Divisional Electrical Engineer (Operations), Southern Railway, Palakkad. He has, therefore, made the Annexure A-4 representation dated nil to the Divisional Railway Manager, Palakkad stating that he belonged to SC community and out of the 21 vacancies earmarked for SC candidates, 15 vacancies have not been filled for want of eligible candidates. He has, therefore,



requested the DRM to consider him also for filling up the said vacancies. The said representation was followed by Annexure A-5 representation dated nil to the Chief Personnel Officer, Southern Railway and Annexure A-6 representation nil to the Divisional Railway Manager, Palakkad. Since the respondents have not responded to any of the aforesaid representations, he has filed the present O.A seeking the aforementioned reliefs.

4. The respondents in their reply have submitted that the applicant was nominated to undergo TR11 promotional course from 1.4.2006 to 1.5.2006 followed by mechanism course from 1.5.2006 to 19.6.2006 and Line training with Loco Inspector from 20.6.2006 to 30.7.2006. This was followed by GRS from 12.7.2006 to 12.8.2006. They have produced Annexure R-4 letter dated 26.12.2006 from the Senior DME, Palakkad stating that he along with other 23 Assistant Loco Pilots who have undergone LM 16 promotional course from 11.5.2006 to 17.11.2006. They have submitted that normally when the selection is initiated, vacancies are assessed as on a particular date and the number of eligible employees as on that date are identified for considering them against the assessed vacancies. Since the Loco Pilot (Goods) Grade II posts belong to Safety category, delay in filling up the post was affecting the smooth operation of trains. As regards the applicant is concerned, they have submitted that he was not qualified the promotional training at the time of assessment of vacancies and therefore, he was not considered for the said selection even though SC vacancies were eligible. They have further submitted that filling up the post is a continuous one and as and when vacancies are available, the process for selection are initiated after a period of six months from the date of the panel of the previous selection. They have also submitted that the applicant having been now qualified will be considered during the next selection against the available vacancies.

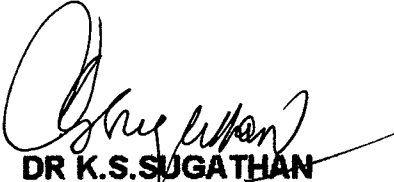


5. We have heard the learned counsel for the parties. The fact of the matter is that the Annexure A-3 list of employees who were alerted to be in readiness for the selection for the post of Loco Pilot Goods was issued on 21.8.2006. Undoubtedly, 90 vacancies which were to be filled up have arisen earlier. By the applicant's own contention, he had completed the TR course only on 14.8.2006 and he was issued with a competency certificate only on 25.8.2006. On a query by this Tribunal the applicant has admitted that none of his juniors have been sent for the TR course earlier than him or any of them have been promoted as Loco Pilots (Goods). Therefore, we do not find any merit in the contention of the applicant that he was entitled to be considered for the promotion as Loco Pilot on par with those who were included in Annexure A-7. Accordingly the O.A is dismissed. However, before we part with this order, we observe that by the respondents' own admission 28 posts reserved for ST and 20 posts reserved for SC are kept unfilled for want of qualified employees. It was their submission in the reply that filling up the vacancies in the grade of Loco Pilots (Goods) is a continuing process and as and when vacancies are available, procedure for selection are initiated after a period of every six months preceding the selection. The previous Annexure A-7 penal was dated 21.11.2006 and respondents should have initiated the selection process for filling up the vacancies after six months from that date. However, it is noted that they have not initiated any further proceedings for filling up those vacant posts for the last more than 2 years. Admittedly, the applicant is now qualified to be promoted as Loco Pilot(Goods) having fulfilled all the necessary qualifications. There may be other qualified employees also who are waiting for promotion. On the one side the respondents are stating that there are no sufficient eligible employees to be considered for promotion as Loco Pilot (Goods) and on the other side they are keeping so many other vacancies unfilled. Both the things cannot go together. We, therefore,



- direct the respondents to fill up all the required number of vacancies in the grade of Loco Pilots (Goods) in the scale of Rs.5000-8000 at the earliest. The applicant who is the eligible to the aforesaid post can also apply at that time.

6. There shall be no order as to costs.


DR K.S.SUGATHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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