

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 220 of 1999

Wednesday, this the 14th day of February, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. MK Ramasamy, S/o Karuppannan,
Diesel Fitter Grade-II,
Diesel Shed, Southern Railway, Erode.
2. R Rajaram, S/o K. Ramasamy,
Mechanical Khalasi Helper,
Diesel Shed, Southern Railway, Erode.
3. A Marappan, S/o Arumugham;
Mechanical Khalasi Helper,
Diesel Shed, Southern Railway, Erode
4. KP Subramaniam, S/o Pacha Gounder,
Mechanical Khalasi Helper,
Diesel Shed, Southern Railway, Erode
5. G Janardhanan, S/o TK Govinda Raslu,
Electrical Khalasi Helper,
Diesel Shed, Southern Railway, Erode
6. V Vijayakumar, S/o T Venkatachalam,
Mechanical Khalasi Helper, Diesel Shed,
Southern Railway, Erode.Applicants

[By Advocate Mr. Siby J. Monippally]

Versus

1. Union of India represented by the
General Manager,
Southern Railway, Chennai.
2. The Chief Personnel Officer,
Southern Railway, Chennai.
3. The Divisional Personnel Officer,
Southern Railway, Palakkad.
4. The Divisional Electrical Engineer,
Electrical Loco Shed,
Southern Railway, Erode.Respondents

[By Advocate Mr. K. Karthikeya Panicker]

The application having been heard on 14-2-2001,
the Tribunal on the same day delivered the following:

O R D E R

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

The 1st applicant is a Diesel Fitter Grade-II and the remaining applicants are Khalasi Helpers in the Diesel Loco Shed, Erode. For formation of a cadre for the proposed Electric Loco Shed, Erode, a notification was issued on 14-5-1997 (Annexure A1) calling for volunteers. According to the said notification preferences were to be given to volunteers from the existing staff on the rolls of the Diesel Loco Shed, Erode in the categories of Technical Supervisors, Artisans and Group D staff in all grades. Pursuant to the above notification it appears that the applicants also exercised their option. However, none of them deployed to the Electric Loco Shed at Erode. Finding that vacancies were filled even by absorbing course completed apprentices, applicants filed this application for a declaration that non-consideration of the applicants for deployment to the posts in the Electric Loco Shed, Erode is illegal, to direct respondents to fill up the vacancies in the Electric Loco Shed, Erode in accordance with Annexure A1 and to declare that the appointment of persons deviating Annexure A1 order is illegal.


2. Respondents in their reply statement contend that the applicants were not considered as their applications were not received. They further contend that after filling up some vacancies on the basis of A1, finding that there was scarcity

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of staff in the Mechanical Loco Shed, it was decided not to deploy anybody from the Mechanical Loco Shed and to restrict the intake from Electrical Wing and Annexure R1 notification was issued in that behalf. Respondents further contend that in response to Annexure R1 notification, though the applicants who were eligible also applied, they could not be considered for deployment for the reason that there is scarcity in the Mechanical Loco Wing and thus volunteers from the Mechanical Loco Wing were excluded in the notification Annexure R1. Respondents, therefore, contend that applicants did not have any valid cause of action.

3. We have gone through the material placed on record and have heard Shri Siby J Monippally, learned counsel of the applicants and Shri K. Karthikeya Panicker, learned counsel of the respondents. The contention of the respondents that the applicants could not be considered and selected for want of receipt of their applications is found to be not true because from A2 it is seen that applicants were also among the 527 persons who opted to be deployed to the Electric Loco Shed. However, unfortunately, the applicants' case was not considered by the respondents. The action however cannot be justified. But, that does not entitle the applicants to claim appointment to the posts because the applicants have not sought to set aside the appointment and selection made impleading the persons who have been selected and appointed. Now the prayer of the applicants to direct respondents to fill up vacancies on the basis of A1 also cannot be upheld because the respondents have

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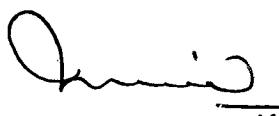


issued R1 restricting the field of choice only to volunteers from Electrical Loco Wing for the reason that there is shortage of manpower in the Mechanical Loco Wing.

4. In the light of the above factual backgrounds, we are of the considered view that the applicants are not entitled to the reliefs sought for.

5. The application is, therefore, dismissed leaving the parties to bear their respective costs.

Wednesday, this the 14th day of February, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

ak.

List of Annexure referred to in this order:

1. A1 True copy of the letter No. P(S)535/VII/RS/ED dated 24-4-97 issued by the 2nd respondent by communication order No. J/P.535/V/Elec. Loco Shed, dated 14-5-97.
2. A2 Forwarding letter dated 27-5-1997 by Senior Section Engineer (Diesel) Loco Shed, Erode to the Divisional Office, Palghat.
3. R1 Notification No. P(S)535/VII/ELS/ED/Vol.II dated 19-6-98 issued by the Chief Personnel Officer, Chennai.