

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION: 4-12-1989

PRESENT

HON'BLE SHRI S.P.MUKERJI, VICE CHAIRMAN
&
HON'BLE SHRI A.V.HARIDASAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO.287/87

Venugopalan Nair.N. - Applicant

v.

1. Union of India represented
by the General Manager,
Southern Railway, Madras.

2. Chief Personnel Officer,
Southern Railway,
Madras.

3. Divisional Railway Manager,
Trivandrum Division,
Trivandrum.

4. Divisional Railway Manager,
Palghat Division,
Palghat.

- Respondents

M/s KA Abraham & Majnu Komath - Counsel of the
applicant

Smt Sumathi Dandapani - Counsel of the
respondents

O_R_D_E_R

(SHRI A.V.HARIDASAN, JUDICIAL MEMBER)

The applicant is a Guard Passenger based at Quilon in Trivandrum Division of the Southern Railways. The Trivandrum Division was formed in 1979 taking parts from Palghat and Madurai Divisions. At the time of formation of the Division, there was a written agreement between the Railway administration and the Labour Unions whereby it was agreed that when new trains are introduced, the posts of running staff in those trains would be shared by the respective Divisions on the basis of kilometerage

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run through each division. The Railway administration has decided to introduce five new trains. In the case of drivers, the administration has agreed that 4 out of 5 trains would be manned by drivers of Palghat Division. But in the case of guards, the administration has not conceded that demand. Now apprehending that the administration would operate all the trains with the guards of Palghat Division, the applicant a guard has filed this application for an order directing the Railway administration not to utilise guards of other Divisions to man the trains proposed to be run from 1.4.1987 onwards and to utilise the services of the guards from Trivandrum Division for all the 5 new trains.

2. The application has been opposed by the Railway administration.

3. We have heard the arguments of the learned counsel on either side. It is a common case, that in the case of drivers, for the five new trains there has been some sort of sharing and that regarding guards, the trains are manned by the guards of Palghat Division. The learned counsel for the respondents submitted that there is no enforceable agreement regarding sharing of posts of running staff and that, the present arrangement has been arrived at taking account of over all convenience. The learned counsel for the applicant submits that as a result of the impugned arrangements, the chances of the

applicant for promotion to higher grades would be adversely affected. Anyway, the applicant has not made any representation in the matter to the Railway Administration.

The learned counsel for the applicant submitted that the Union had made representation and that the authorities have turned a deaf ear and that no purpose would be served by the applicant making a representation. But there is no averment in the application that any such representation has been made. Further, the application was filed on the basis of some information that the Railway Administration had given telephonic instructions to operate the trains with the guards of Palghat Division. So obviously, no representation could have been made against such rumoured instruction. At this stage, we are not inclined to interfere with the system of running the train decided upon by the Railway Administration ^{after} taking into consideration administrative convenience. If the applicant is aggrieved by the system, he can make a representation to the second respondent detailing his grievances. We are of the view that the interest of justice will be met at this stage by directing the applicant to make a representation within a period of one month and the respondents to dispose of the representation, if any, so made by the applicant within a period of three months from the date of receipt of the representation.

4. In the result, the application is disposed of with the following directions:

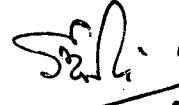
The applicant may, if he feels aggrieved by the present system of operating the new trains with

the guards of Palghat Division, make a representation to the second respondent detailing his grievances, within a period of one month from the date of this order. The second respondent is directed to dispose of the representation within a period of three months from the date of receipt of the representation with due consideration to the agreement, if any, regarding sharing of the posts of guards and the manner in which the posts of drivers are shared, between the Divisions of Palghat and Trivandrum. The applicant will be at liberty to seek appropriate remedy, if he is aggrieved by the outcome of the representation.

5. There will be no order as to costs.


(A.V.HARIDASAN)

JUDICIAL MEMBER


S.P. MUKERJI
4.XII.89

(S.P.MUKERJI)
VICE CHAIRMAN

4-12-1989

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