

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~ 322 of 1992.

DATE OF DECISION 24.11.92

C. Damapani and 6 others Applicant (s)

Mr. P. Sivan Pillai and Advocate for the Applicant (s)
Mr. TCG Swamy

Versus

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

Mr. M. C. Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman
and
The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

In this application dated 13th February, 1992 filed under Section 19 of the Administrative Tribunals Act the seven applicants who have been working as Khalasis in the Carriage and Wagon Division, Loco Khalasis in the Carriage and Wagon Division, Loco Division and Diesel Shed, Erode under the Palghat Division have prayed that the respondents be directed to consider the applicants for promotion to the post of Diesel Assistant in preference to their juniors in the Steam Loco Wing.

2. The brief facts of the case are as follows.
The applicants are Loco Khalasis attached to the Steam Loco Shed of the Palghat Division and have been appointed

as Loco Khalasis on various dates between 21.7.70 and 2.9.78. Because of the dieselisation between 1979 and 1982 they were rendered surplus as Loco staff in the Palghat Division and were working against special supernumerary posts. While so, they were transferred with bottom seniority to other wings as C&W Khalasis and Diesel Khalasis between 1982 and 1986. Their grievance is that their transfer to other units was done while their juniors were retained and in the process of absorption in the Diesel traction their juniors along with others like the applicants who had been redeployed in other units were notified for being considered for diesel conversion course training for ultimate absorption as Diesel Assistant. The applicants were not notified. However, the applicants themselves volunteered and represented but the respondents did not consider their cases. By such discrimination the applicants' future prospects have suffered while their juniors and other similarly circumstanced are likely to benefit.

3. In the counter affidavit the respondents have conceded that the applicants were Steam surplus staff and they would be considered for being sent for diesel conversion course training and eventual absorption as Diesel Assistants in case they satisfy the eligibility conditions as finalised in the common order of this Tribunal dated 13.7.92 in R.A. 48/92 in O.A. 461/91 and other cases.

4. When the case was taken up for arguments the learned counsel for both the parties agreed that the application can be disposed of in the light of the common judgment dated 13.7.92 in R.A.48/92 in O.A.461/91 and O.A. 235/92, O.A. 323/92 etc. in which the "Scheme of priorities of absorption as Diesel Assistants in Palghat and Trivandrum Divisions" was finalised and accepted with the consent of all the parties. The learned counsel for the applicants before us also appeared on behalf of the applicants in some of the cases covered by that common judgment.

5. In the facts and circumstances we dispose of this application with the direction to the respondents to consider the cases of the applicants also in accordance with the "Scheme of priorities of absorption as Diesel Assistant in Palghat and Trivandrum Divisions" as finalised and indicated in the common judgment of this Tribunal dated 13.7.92 in R.A.48/92 in O.A.461/92, O.A.235/92 and other cases. There will be no order as to costs.


24.11.92
(N. DHARMADAN)

JUDICIAL MEMBER

24.11.92


24.11.92
(S.P. MUKERJI)

VICE CHAIRMAN

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