

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 326
~~P. A. No.~~

199 1

DATE OF DECISION 14.3.91

K. K. Raghavan Applicant (s)

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

Versus

Union of India through the Respondent (s)
General Manager, Southern Rly, Madras-3 and others

Smt. Sumathi Dandapani Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✓
4. To be circulated to all Benches of the Tribunal? ✓

JUDGEMENT

MR. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is a Keyman at Gang No. 5 in the Civil Engineering Department under the second respondent. He states that he was not considered for promotion to the post of Gangman. He therefore approached the Tribunal in O.A. 410/89 and, by an order dated 23.5.1990, the Tribunal directed the respondents to consider the case of the applicant for promotion to the post of Gangman. Accordingly, the applicant's case was considered and was promoted admittedly w.e.f. 20.8.90 to the post of Keyman vide Annexure-I order.

2. The applicant thereafter submitted representation on 29.11.90 to the respondents to restore his inter-se seniority vis-a-vis juniors already promoted as Keyman (Annexure-II). This representation has not still been disposed of. ✓

3. The applicant's grievance is that, in the meanwhile, promotions are being made to the post of Gangmate for the purpose of which his name is not being considered, while the names of the juniors who were promoted as Keymen from earlier dates than him are being considered.

4. Hence, the applicant has sought the following reliefs:

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- (a) To direct the respondents to fix the seniority of the applicant in the post of Keyman vis-a-vis his juniors in the Senior Gangman post who were promoted earlier to the applicant.
 - (b) To direct the respondents to consider the applicant also for the promotion to the post of Gangmate along with his juniors
 - (c) To issue such other orders or directions as deemed fit and necessary in the facts and circumstances of this case."

5. The learned counsel for the respondents submits that there was no direction in the earlier judgment to the effect that if the applicant was found fit for promotion as Keyman, he should be so promoted w.e.f. the date on which his junior was promoted. It is also submitted that for the purpose of promotion to the post of Gangmate service of two years in the post of Keyman is required according to the rules.

6. In this regard the learned counsel for the applicant has brought to our notice Rule 102 of the Indian Railway Establishment Manual relating to the Recruitment of Class IV Railway servants under Chapter-I. That para is as follows:

"Trolly men, gatemen and Chowkidars should be grouped with gangmen and be eligible for promotion as keymen and mates. These persons should be required to render a minimum of three years service as gangmen but it is not necessary that they should work as gangmen in rotation. Gangmen who are disabled and cannot work as Gangmen will, of course, not be eligible for promotion. The post of permanent way mistry should be filled by promotion from Gangmates and Keymen."

✓

He therefore contended that according to this para what is necessary is three years service as Gangman to entitle one to be considered for promotion as a Gangmate.

7. In view of the averments made we feel that it will be adequate if the respondents are merely directed to consider the submissions by the learned counsel for the applicant, including his contention that for the purpose of promotion of Gangmate only services of three years as Gangman is required and that there is no separate requirement of minimum service of two years as Keyman, and after considering all aspects, they are directed to examine the applicant's claim for promotion. The learned counsel for the respondents was non-committal in this regard though the learned counsel for the applicant was satisfied that the application ^{is} ~~is to~~ be disposed with the said direction. Accordingly, we dispose of the application with the direction to the third respondent to consider within three months from the receipt of a copy of this order the claims of the applicant for promotion as Gangmate in the light of the representation earlier made by him (Annexure-II) as well as the averments in the present application made before us and the observations we have made above. The respondents are also at liberty to examine the question with regard to any other rules, if they think that such other rules are applicable. The respondents are also directed to dispose of Annexure-II representation within three months from receipt of a copy of this order.

8. The application is disposed of with the above directions. There will be no order as to costs.


(N. DHARMADAN) 14.3.91.
JUDICIAL MEMBER


(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER