

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.361/02

Thursday this the 19th day of August 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. P.D.Johny,
Khalasi Helper,
Diesel Shed, Southern Railway,
Palghat Division, Erode.
2. M.K.Samanthakaprakash,
Khalasi Helper,
Diesel Shed, Southern Railway,
Palghat Division, Erode.
3. P.Suresh,
Khalasi Helper,
Diesel Shed, Southern Railway,
Palghat Division, Erode.
4. K.Mathayian,
Khalasi Helper,
Diesel Shed, Southern Railway,
Palghat Division, Erode.

Applicants

(By Advocate Mr.Siby J Monippally)

Versus

1. Union of India represented by
Secretary, Government of India,
Ministry of Railways, New Delhi.
2. Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
3. Senior Divisional Mechanical Engineer,
Diesel Shed, Southern Railway,
Palghat Division, Erode.
4. Chief Personnel Officer,
Southern Railway, Chennai.

Respondents

(By Advocate Mr.P.Haridas)

This application having been heard on 19th August 2004 the Tribunal on the same day delivered the following :

O R D E R


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

The applicants, four in number, who were Khalasi Helpers in the Diesel Shed, Southern Railway, Palghat Division, have

filed this application for a direction to the respondents to consider the applicants for promotion to the post of Technician Grade III under the 20% quota for serving staff in the Diesel Loco Shed, Erode, which arose on 1.9.1998 with all consequential benefits declaring that they are entitled to get promotion under the 20% quota for serving staff as Technician Grade III in the Diesel Loco Shed, Erode. The material facts stated in the application are as follows :-


2. The applicants are Khalasi Helpers in the Diesel Loco Shed at Erode and they were working as such since the year 1984. According to the amended Recruitment Rules for the post of Technician Grade III (Annexure A-1) the post of Technician Grade III are to be filled 60% by direct recruitment, 20% by serving semi-skilled and unskilled staff with three years of regular service with educational qualification as laid down in the Apprentices Act and remaining 20% by promotion of staff in the lower grade. By Railway Board's letter dated 28.9.1998 by way of redistribution of Group D posts, 111 posts of Diesel (Mechanical) Technician Grade III accrued in the Diesel Shed at Erode. The grievance of the applicants is that while the direct recruitment and promotion of the unskilled staff with educational qualification are being made, the promotions on the basis of seniority is not being made with the result the applicants have not been promoted. The applicants, therefore, seek the reliefs as aforesaid.

3. The respondents in their reply statement contend that the redistribution of posts, 122 posts were earmarked for direct recruitment, 40% for promotion of unskilled staff with



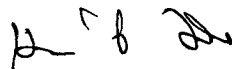
educational qualification and 40% for promotion on the basis of seniority, that the Railway Board permitted the filling up of the direct recruitment vacancies by considering lower grade officials with qualification, that the applicants could not be considered against these vacancies because they did not have the requisite qualification, that out of the 40% promotional vacancies 38 had already been filled and 2 are left unfilled for want of candidates belonging to reserved category and the applicants have not been promoted because their turn for promotion as per the seniority list has not been reached. The respondents contend that the applicants do not have any legitimate grievance calling for redressal and they would be considered for promotion in their turn.

4. On a careful consideration of the facts and circumstances emerging from the pleadings and materials on record and on hearing the learned counsel for the respondents as we do not have the privilege of hearing the learned counsel of the applicants as he did not appear, we find that there is no legitimate grievance of the applicants requiring redressal. The respondents have made it clear in the reply statement that against the 40% vacancies available for promotion on seniority 38 had already been filled and 2 remained to be filled for want of eligible candidates belonging to reserved category and that the applicants can be considered for promotion only when their turn comes against vacancies. The applicants have not been able to make out that there are still vacancies against which they could be considered for promotion.




5. In the light of what is stated above we do not find any merit in this case and, therefore, we dismiss the same.

(Dated the 19th day of August 2004)


H.P.DAS
ADMINISTRATIVE MEMBER

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A.V.HARIDASAN
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.361/2002

Wednesday this the 11th day of September, 2002

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

1. P.D.Johny, Khalasi Helper
Diesel Shed, Southern Railway,
Palghat Division, Erode.
2. M.K.Samanthakaprakash
Khalasi Helper,
Diesel Shed, Southern Railway,
Palghat Division, Erode.
3. P.Suresh, Khalasi Helper,
Diesel shed, Southern Railway,
Palghat Division, Erode.
4. K.Mathaiyan, Khalasi Helper,
Diesel Shed, Southern Railway,
Palghat Division, Erode. ..Applicants

(By Advocate Mr. Siby J Monipally (not present))

V.

1. Union of India, represented by
the Secretary, Government of India,
Ministry of Railways,
New Delhi.
2. Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
3. Senior Divisional Mechanical Engineer,
Diesel Shed, Southern Railway,
Palghat Division, Erode.
4. Chief Personnel officer,
Southern Railway, Chennai. ..Respondents

(By Advocate Mr. P.Haridas (rep))

O R D E R

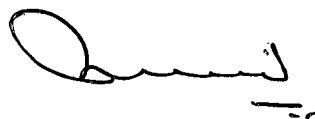
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
None appeared for the applicants. On
4.9.2002 when the case was listed for admission none
appeared for the applicants even on second call. The
case was adjourned to this date with a view to give
the applicants another opportunity. Today also none is

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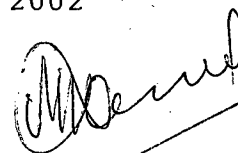
present for the applicants even on second call. We find that the applicants are not interested in prosecuting the matter any further. Therefore, the application is dismissed for default and non-prosecution.

Dated the 11th day of September, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN