

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 513 OF 1992.

this the 25th day of February'2000.

HON'BLE MR A.K. MISRA, MEMBER(A)

HON'BLE MR S.K.I. NAQUI, MEMBER(J)

Takniki Berojgar Yuva Morcha Sangh District Gonda through its President Pradeep Kumar aged about 26 years, S/o of late Sri Rajjan Lal, R/o 141 Subhash Nagar, Gonda & 27 others.

Applicants.

By Advocate: None.

Versus.

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Lucknow.
3. Senior Divisional Mechanical Engineer (Diesel), North Eastern Railway, Gonda.

Respondents

By Advocate: Sri A.K. Chaturvedi.

O R D E R.

MISRA, MEMBER(A)


The applicants in the present O.A. have prayed for quashing of the list of Trade Apprentice from Gorakhpur and Izhatnagar for filling up the post of Khalasi(s) (Electrical & Mechanical) in Diesel Shed Gonda (Annexure -3). A prayer has also been made for quashing of the notice dated 19.9.92 issued by the DRM (P), NER, Lucknow. Lastly a prayer has been made for issue of direction to the opp. parties for appointing the applicants on the post of Khalasi(s) (Electrical & Mechanical) in Diesel Shed, Gonda after giving them preference in accordance with rules.

2. On the date of hearing, no representation was made on behalf of the applicants and, therefore, the

O.A. is being decided on the basis of pleadings on record, the submission made on behalf of the respondents and having regard to the fact that the O.A. is pending for disposal since 1992.

3. There are in all 28 applicants in the present O.A., who have filed a joint application before this Tribunal. All the applicants are sons/wards of retiring/retired railway employees.

4. The matter relates to the appointment on class IV post of Trade Fitters and Electricians in Gonda, taking into consideration the list of Trade Apprentices from Izatnagar and Gorakhpur Sheds and the notices dated 19.9.92 issued by the DRM, NER (Annexure-6) asking for a list of ITI passed candidates from various Employment Exchanges for vacancies in filling-up/general categories and vacancies reserved for SC/ST candidates. The contention of the applicant is that for filling-up the posts of Khalasis, Diesel (Electrical & Mechanical) in Gonda Diesel Shed, no preference is being given to the local candidates of Gonda and no preference is being given to the sons/wards of railway employees in terms of the circular ~~of the circular~~ letter dated 19.10.87. The applicants to the present O.A. are all ITI trained candidates and are registered with Employment Exchange. All of them are sons/wards of railway employees as is evident from column 7 of Annexure-1. All the applicants belong to District Gonda. According to the applicants, subject to reservation quota for SC/ST candidates, preference is to be given to local candidates of Gonda. As against the candidates from other districts, preference is also to be given to sons/wards of retiring/retired railway employees in terms of General Manager (P) circular dated 19.10.87. It has been stated in the O.A. that the local candidates are being excluded for appointment as Khalasis as



against the candidates from Gorakhpur & Izatnagar and further that SC/ST candidates are being recruited far an excess of their quota.

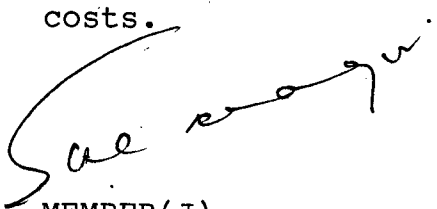
5. On behalf of the respondents, it has been submitted that as per letter dated 4.9.91 issued by the respondent no.1, guidelines with regard to filling-up the vacancies in class IV cadre in Diesel Shed, Gonda, were issued. According to this letter of 4.9.91, while filling-up class IV vacancies in Diesel Shed, Gonda, first priority was to be given to the staff rendered as surplus. It was submitted that in pursuance of this letter, 88 class IV vacancies of Khalasis (Electrical & Mechanical) for which requisition was sent to the Employment Exchange vide letter dated 19.9.92 (Annexure-6) were filled-up by taking staff which had been rendered as surplus because of closure of the loco sheds on account of dieselisation. It was accordingly, submitted before us that no selection/appointment for filling-up these vacancies was made by taking candidates sponsored by the Employment Exchange. It was also brought to our notice that there are still a large number of surplus staff waiting for absorption due to closure of loco shed and accordingly the respondents in future also may not fill-up these vacancies by taking candidates sponsored by the Employment Exchange. Thus, it was brought to our notice that the letter dated 19.9.92 (Annexure-6 to the O.A.) has not at all been given effect to. It was also submitted that no selection and appointment has been made even by taking trade apprentices, whose names were sponsored by Izatnagar & Gorakhpur workshops. The names of all such candidates were returned. We find from Annexure R-3 to Counter, which is a letter dated 3.11.95 addressed to the Employment Officers, Gonda, Lucknow, Kanpur, Sitapur etc. that intimation was given to the Employment

Officers of different Employment Exchanges to the effect that no candidate out of the list of candidates sent by the Employment Exchanges has been selected for the post of Diesel Khalasis on account of surplus staff available as a result of closure of different loco sheds. By letter dated 15.10.92 (Anexure R-1 to the Counter) the Chief Workshop Manager (Personnel) was also informed that all the folders of trade/Act apprentices have been returned to Chief Workshop Manager (Administration), NER, Gorakhpur. It was also submitted on behalf of the respondents that no claim can be made by the applicants for selection/appointment of sons/wards of the railway employees. The circular letter in this regard dated 16/19.10.87 issued by the GM(P) was stated to be not applicable on the answering respondents. Besides, it was submitted that even ~~in~~ the complete ^{details} of employees claimed to be dependants of retiring railway employees have not been furnished. Finally, it was submitted on behalf of the respondents that there are no posts available in class IV of Khalasis (Electrical & Mechanical) because vacancies have been filled-up by absorbing the staff rendered as surplus and a large number of surplus staff is still waiting for absorption.

6. Having regard to the factual position discussed above, we are of the opinion that the O.A. does not have any merit. In so far as the letter dated 19.9.92 addressed to Employment Exchanges (Annexure-6) is concerned, which has been impugned in this O.A., we may state that the said letter has not been acted-upon because a large number of employees were declared surplus on account of closure of loco sheds. Since these surplus employees were to be given priority in filling-up vacancies arising in class IV

cadre, the list of names of candidates ~~xxxxxx~~ requisitioned from the different Employment Exchanges was returned. In so far as the Annexure-7 which is a letter dated 16/19.10.87 addressed by GM(P), NR to all ^{is concerned} the DRMs, NR, we are in full ~~an~~ agreement with the respondents that this letter is not applicable to the answering respondents. Further, even this letter will have no application because the first priority in filling-up vacancies in class IV cadre was to be given to the staff rendered surplus on account of closure of loco sheds. As regards the averment in the O.A. that local candidates of Gonda should be given preference in filling-up class IV vacancies of Khalasis (Electricity & Mechanical) as against the candidates from Gorakhpur and Izatnagar, the same also does not merit acceptance in view of the fact that vacancies were to be filled-up from amongst the candidates rendered as surplus.

7. In the light of the foregoing discussion, we hold that the O.A. has no merit and is, therefore, liable to be dismissed and the same is dismissed. No costs.


MEMBER(J)


MEMBER(A)

LUCKNOW: Dated: 25th Feb. 2000

GIRISH/-