

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED]
[REDACTED]
NEW BOMBAY BENCH

O.A. No. 513/89

198

XXXXXX.

DATE OF DECISION 14.9.1989Shri Ashique Hussain & 4 others. PetitionersShri E.K.Thomas

Advocate for the Petitioner(s)

Versus

Union of India

Respondent

Shri H.C.Dhawan

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B.Mujumdar, Member (J)

The Hon'ble Mr. M.Y.Priolkar, Member (A)

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. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.NO. 513/89

1. Ashique Hussain
2. V.M.Joshi
3. Prakash Patil
4. Gajanan Bapat
5. Sheshrao Lokhande
C/o.Shri E.K.Thomas
Advocate High Court,
3, New Arati Co-op.Hsg. Society,
Airoli Sector 2, Ghansoli PO
New Bombay 400 701. ... Applicants

V/s.

Union of India
through
Chairman Railway Board,
Rail Bhavan, New Delhi. ... Respondent

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances :

Mr.E.K.Thomas
Advocate
for the Applicants

Mr.H.C.Dhawan
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 14.9.1989

(PER: M.B.Mujumdar, Member (J)

Heard Mr.E.K.Thomas, learned advocate for the applicants and Mr.H.C.Dhawan, learned advocate for the respondents.

2. The applicants are working as Permanent Way Inspectors Gr.'C' in the Central Railway. They are all matriculates and some of them are graduates. By notification dated 20.2.1987 published in the Railway Gazette dated 1.8.1988 their eligibility condition for promotion are changed. Para 3 (i) of that notification states that the Railway Board have decided that

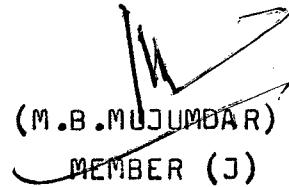
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an employee to be eligible to take the selection/LDCE for appointment to Group 'B' should possess :- (i) Minimum of a Degree for promotion to non-technical Group 'B' posts, and (ii) Minimum of Diploma or equivalent in the Engineering discipline concerned for promotion in Group 'B' technical posts. Para 4 of the notification lays down that the above eligibility condition will become effective from 1.7.1991 and will be in addition to the other general conditions of ~~states~~ [✓] eligibility prescribed. It further ~~provides~~ [✓] that the interval of time has been allowed so that the existing employees who do not possess Degree/Diploma or equivalent qualification may have the opportunity to equip themselves before the condition become effective from 1.7.1991. It is the grievance of the applicants that the eligibility condition for promotion to Group 'B' post is changed to their disadvantage because it will be impossible for them to obtain degree or diploma or equivalent qualification before 1.7.1991.

3. Hence, the applicants have filed this application praying to quash and set aside the said notification dated 20.2.1987 and to direct the respondents to provide necessary training facilities to persons like them to equip themselves with Civil Engineering diploma as desired in the notification. In our opinion, the Railway Board was quite competent to change the eligibility conditions for promotion to Group 'B' posts prospectively. Hence, we find no merits in the application and hence reject the same summarily.



(M.Y.PRIOLKAR)
MEMBER (A)



(M.B.MUJUMDAR)
MEMBER (J)