

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 560 of 1999.

Dated this Friday, the 25th day of August, 2000.

M. A. Jeyakaran, \_\_\_\_\_ Applicant.

Shri K. B. Talreja, \_\_\_\_\_ Advocate for the  
applicant.

VERSUS

Union of India & Another, \_\_\_\_\_ Respondents.

Shri Suresh Kumar, \_\_\_\_\_ Advocate for  
the respondents.

CORAM : Hon'ble Shri D. S. Baweja, Member (A).  
Hon'ble Shri S. L. Jain, Member (J).

- (i) To be referred to the Reporter or not ? ✓
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? ✓
- (iii) Library. ✓

  
(D. S. BAWEJA)  
MEMBER (A).

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CORAM : Hon'ble Shri D. S. Baweja, Member (A).  
Hon'ble Shri S. L. Jain, Member (J).

M. A. Jeyakaran,  
Diesel Shunter,  
Crew Controller (COR)  
Kurla (Diesel) under  
Executive Control of  
D.R.M., Central Railway,  
Mumbai C.S.T.

...

Applicant.

(By Advocate Shri K.B. Talreja)

VERSUS

1. The Union of India through  
The General Manager,  
Central Railway,  
Mumbai C.S.T.

2. The Divisional Railway Manager,  
Central Railway,  
Mumbai C.S.T.

...

Respondents.

(By Advocate Shri Suresh Kumar).

OPEN COURT ORDER

PER : Shri D. S. Baweja, Member (A).

The applicant is working as a Diesel Shunter in the Central Railway. The applicant's case is that he was sent for training of DC (Shunter) Course at DTC Kalyan. He was relieved on 29.03.1999 for reporting at Kalyan. However, as per letter dated 12.04.1999, the applicant has been sent back from the training. Feeling aggrieved by the same, he has filed this O.A. on 01.06.1999 seeking the relief of directing the respondents that the applicant may be sent for Conversion Training, as he is entitled for the same. The applicant has also made an additional prayer that respondents be directed to follow the guidelines laid down by the Railway Board with regard to transfer of SC/ST employees, as the applicant has been shifted/transferred frequently without any reasons.

(2)


2. The respondents have filed a written statement. The respondents have brought out that the applicant will be again sent for the training of DC (Shunter) Course. In para 21, the respondents have also stated that the persons belonging to the batch in which the applicant was due to be sent for training, will not be given seniority over the applicant, even if the applicant undergoes the training at a later stage.

3. In view of the submissions made by the respondents in the written statement, we are of the opinion that the grievance of the applicant is redressed and the O.A. can be disposed of by giving a direction to the respondents to implement their decision, as brought out in the written statement. As regards the frequent transfers, no general direction need be given to the respondents to follow the Railway Board instructions. If the applicant is aggrieved by any particular transfer order, he can challenge the same as per law and therefore this relief does not sustain.

4. In the result of the above, the O.A. is disposed of with a direction to the respondents that the applicant will be deputed for DC (Shunter) training course whenever the <sup>first</sup> ~~fresh~~ next course is conducted. The applicant will also be given due seniority with reference to the undertaking given in para 21 of the written statement as brought out above. No order as to costs.

  
(S.L. JAIN)  
MEMBER (J).

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(D. S. BAVEJA)  
MEMBER (A).