

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 24TH OCTOBER, 1986

Present: Hon'ble Mr Justice K.S. Puttaswamy Vice-Chairman
Hon'ble Mr L.H.A. Rego Member (AM)

Application No. 971/86

1. N.E.Veeraraghavalu,
Travelling Ticket Examiner,
'B' Grade,
Broad Gauge, Southern Railway,
Bangalore City.
 2. R.P.Jivaraj,
Travelling Ticket Examiner,
'B' Grade,
Broad Gauge,
Southern Railway,
Bangalore City.
 3. G.K.Srinivasa Rao,
Travelling Ticket Examiner,
'B' Grade,
Broad Gauge,
Southern Railway,
Bangalore City.
 4. T.S.Govindan,
Travelling Ticket Examiner,
'B' Grade,
Broad Gauge,
Southern Railway,
Madras Central
- (Applicants)

(Shri K.G. Raghavan ... Advocate)

Vs.

1. The General Manager,
Southern Railway,
Park Town, Madras - 3.
 2. The Chief Personnel Officer,
Southern Railway,
Park Town, Madras - 3.
- (Respondents)
- (Shri A.N.Venugopal ... Advocate)

The application has come up for hearing before
Court today, Vice-Chairman made the following:

ORDER

In this transferred application received from the
High Court of Karnataka, under Section 29 of the
Administrative Tribunals Act of 1985 (the Act) the

applicants have challenged circular/order no.P(S) 529/III/60 dated 12.5.77 (Annexure A) issued by the Chief Personnel Officer, Madras (CPO).

2. Prior to 12.5.77, the posts of Travelling Ticket Examiners B Grade (TTEs), were division-wise posts and the posts of Head Ticket Collectors/Travelling Ticket Inspectors (TTIs) were zonal posts. Prior to 12.5.77, the applicants were holding the posts of TTEs in one or the other division of Southern Railways which is a zone.

3. With the avowed object of decentralisation and the consequent improvement in efficiency, the CPO decided that the posts of TTIs should be converted into Division-wise posts, as on 12-5-1977 issued guidelines for implementing the same as set out in his circular of that date (Annexure A). The applicants claim that this circular had affected their chances of promotion to the posts of TTIs is illegal and is violative of Article 14 of the Constitution.

4. In justification of the impugned circular, the respondents have filed their statement of objections before the High Court.

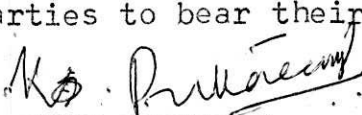
5. Shri K.G.Raghavan, learned counsel for the applicants, contends that the impugned circular, had adversely affected the promotional opportunities of the applicants and others that are similarly situated and was violative of Articles 14 and 16 of the Constitution.

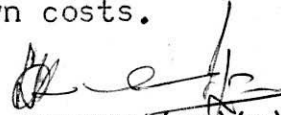
6. Shri A.N.Venugopal, learned counsel for the respondents, contends that the circular which was within the competence of the authority laying down rational criteria for decentralisation was not violative of Articles 14 and 16 of the Constitution.

7. We have carefully examined the circular and the guidelines set out therein by the authority. The circular, with the object of decentralisation had converted the posts of TTIs which were then zonal posts into division-wise posts. With that object, the circular had given the first option to those who were then working as TTIs for absorption in the various divisions attached to the southern zone. We find no irrationality or arbitrariness in the policy decision of the CPO and the guidelines contained therein. We also find it difficult to hold that the policy decision in any way affects the promotional opportunities of the applicants.

8. A mere chance for promotion is never considered to be a condition of service. At the highest, we can only say that the circular affects a chance of promotion of the applicants and nothing else. We cannot condemn the circular on principle or authority. We find no merit in the contention urged by Shri Raghavan and reject the same.

9. As the only contention urged for the applicants fails, this application is liable to be dismissed. We, therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.


VICE CHAIRMAN


MEMBER (AM)(R)