

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 31 JAN 1994

APPLICATION NO(s) 499 of 1993.

APPLICANTS: S.Mohan Kumar

RESPONDENTS: Secretary, Ministry of
Railways, ND Delhi and Others.

TO.

1. Sri.S.Mohankumar,
S/o.K.V.Srinivasa Iyer,
Welfare Inspector Grade-I,
Office of the Chief Engineer,
Construction, Southern Railways,
18, Millers Road, Bangalore-46.
2. The General Manager,
Southern Railways,
Park Town, Madras-600 003.
3. Sri.N.S.Prasad, Advocate,
242, Fifth Main Road,
Gandhinagar, Bangalore-9.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 12-01-1994.

Issued on
26/1/94

ofc

Deputy Registrar
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 499 OF 1993

WEDNESDAY THIS THE 12TH DAY OF JANUARY, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. T.V. Ramanan, ... Member(A)

S. Mohankumar,

Aged 37 years,
S/o K.V. Srinivasa Iyer,

Welfare Inspector /Grade-I,
Office of the Chief Engineer,
Construction, Southern Railway,
18, Millers Road,
Bangalore-46.

.. Applicant.

v.

1. The Union of India,
represented by its Secretary,
Ministry of Railway,
Railway Board,
New Delhi-110 001.

2. The General Manager,
Southern Railway,
Park Town, Madras-600 003.

3. The Chief Personnel Officer,
Southern Railway,
Park Town, Madras-600 003.

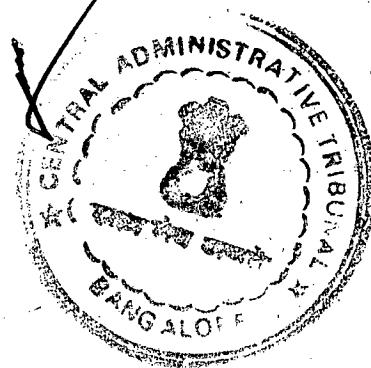
.. Respondents.

(By Standing Counsel Shri N.S. Prasad)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We have heard the applicant who appears in person and also Shri N.S. Prasad, learned Standing Counsel for the Railways. We admit this application and proceed to dispose off the same on its merits presently. The grievance of the applicant is that being one of the aspirants for the post of Assistant Personnel Officer which admits of a two channel recruitment he has been denied promotion. The first channel comprising of a 75



per cent quota of insiders for promotion by selection. That includes passing of some examination. The other one is the 25 per cent direct selection which is again exclusively earmarked for insiders comprising of objective evaluation of the candidates by subjecting them to an examination, the details of which Mr. N.S.Prasad, learned counsel for the Railways says are furnished in Annexure-R1. But, we do not now find it necessary to consider the said scheme indepth.

2. The applicant's point is that when he took the 75 per cent selection channel he came out successful but was ranked 80 but even then he was empanelled for selection. But, it so happened the available vacancies being about 28, the first 28 being in the panel got the earmarked slots whereas the others had to await further opportunities. The applicant says that he has now taken the 25 per cent avenue as well, and is expected to come out successful in that scheme. But, what he wants to say is that if in future the 75 per cent recruitment drive is put through, he should be treated as having been exempted from taking the test or whatever is prescribed for filling up the 75 per cent quota because he had already come out successful on the earlier occasion and was also empanelled. It seems the applicant seeks for this relief little prematurely. One thing is certain i.e., if he succeeds in the 25 per cent channel drive he need not worry himself about improvement of his prospects in the 75 per cent quota as by then he would have got the much coveted post of Assistant Personnel Officer. But, if for some reason he is denied of that opportunity under the 25 per cent quota drive he can as and when the 75 per cent quota drive opens up, make a claim for exemption pleading that he had already been empanelled for that quota. If that claim is turned down, it is then open to him to agitate the matter finally. Under

the circumstances, we think it inappropriate for us to consider right now the claim of the applicant for exemption from taking up the 75 per cent quota drive, making it clear to him that if and when such occasion arises he can make a demand for exemption and if he fails thereunder he can then renew his claim in that behalf by taking recourse to the remedy at law.

On the foregoing, we dispose off this application finally on its merits. No costs.

Sd-

MEMBER(A)

Sd-

VICE-CHAIRMAN.



TRUE COPY

S. Shanthi

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

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