

6

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: - 4 ^{Nov} 1994

APPLICATION NO: 812 of 1993

APPLICANTS:- Mr. M. Bashe

V/S.

RESPONDENTS:- General Manager, S. Rlys Madras & Frs.

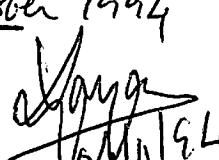
1. Shri. N. R. Naik, Advocate
No. 147/7, Sri Rama Road
2nd Block, Thyagarajnagar,
Bangalore - 560028.

2. Shri. A. N. Venugopal Gowda
Advocate
No. 8/2 1st floor, R. V. Road
Bangalore - 560004.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 27th October 1994


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.
6/11/94

7

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

Application No. 812 of 1994

M. Bashe vs. G.M. S. Rly. Madras & 7 Ors.

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p><u>(PKS)VC/(TVR)M(A)</u></p> <p>OCTOBER 27, 1994.</p> <p>Called more than once. Applicant and his learned counsel are absent throughout. Learned Standing Counsel for the Railways is present.</p> <p>Apparently the applicant is not interested in prosecuting this matter. Therefore, this application is rejected for non-prosecution.</p> <p style="text-align: center;"><i>Sd/-</i> MEMBER (A)</p> <p style="text-align: right;"><i>Sd/-</i> VICE-CHAIRMAN.</p> <p style="text-align: center;">TRUE COPY <i>Signature</i> 04/11/94 Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>

To

Sri Venkateswara A. N.
Academy
No. 92, 2nd Floor
R. V. Road
Bangalore

Sir,

I am writing, enclosing this
petition for the D.T. Engine
(in the name of the Government
including the Government of
India) to be
on the 1st of November, 1974.

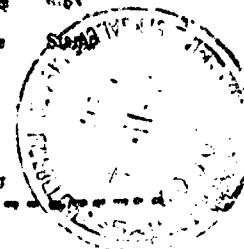
Thanking you,

B. G. f.

15.11.74

~~Yours etc.~~
B. G. f.
(N. S. V. A. N.)
At Bangalore

वीक्षण रहीं <u>NOT INSURED</u>	क्रमांक No. <u>2406</u>
वीक्षण रहीं राशि का रूपये <u>Rs. 10/-</u>	Date <u>15.11.74</u>
Account of Stamps affixed <u>A. N. Venkateswara</u>	Signature <u>B. G. f.</u>
प्राप्ति की तिथि <u>15.11.74</u>	Signature of Receiving Officer <u>Signature of Receiving Officer</u>
प्राप्ति का वापसी के स्थान <u>Post Office</u>	



CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: - 4 ^{Nov} ~~1994~~ 1994

APPLICATION NO: 812 of 1993

APPLICANTS:- Mr. M. Bashe

v/s.

RESPONDENTS:- General Manager, S. Rlys Madras & Frs.

T.

1. Shri. N. R. Naik, Advocate
No. 147/7, Sri Rama Road
2nd Block, Thyagarajnagar,
Bangalore - 560028.
2. Shri. A. N. Venugopal Gowda
Advocate
No. 8/2 1st floor, R. V. Road
Bangalore - 560004.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 27th October 1994

Issued on 24/11/94
by Goh

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

1/11/94

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

Application No. 812 of 1994

M. Bashe Vs. by M. S. Rlys Madras & Fas.

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p>(PKS)VC/(TVR)M(A)</p> <p>OCTOBER 27, 1994.</p> <p>Called more than once. Applicant and his learned counsel are absent throughout. Learned Standing Counsel for the Railways is present.</p> <p>Apparently the applicant is not interested in prosecuting this matter. Therefore, this application is rejected for non-prosecution.</p>
		<p>Sd/- MEMBER(A)</p> <p>Sd/- VICE-CHAIRMAN.</p> <p>TRUE COPY 04/11/94 Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 1 FEB 1995

APPLICATION NO: 812 of 1993

APPLICANTS:- Sri.M.Basha, Bangalore.

V/S.

RESPONDENTS:- The General Manager, Southern Railway,
Madras and seven others.,

To

1.

Sri.N.R.Naik, Advocate, No.147/7,
Sree Rama Road, Second Block,
Thyagarajanagar, Bangalore-28.

2.

Sri.A.N.Venugopala Gowda, Advocate,
No.8/2, Upstairs, R.V.Road, Bangalore-4.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 20-01-1995.

Issued on
01/02/95

9
c

o/s/
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.**

ORIGINAL APPLICATION NO.812/1993

FRIDAY THIS THE TWENTIETH DAY OF JANUARY, 1995

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN MEMBER (A)

Shri M. Basha,
Khalasi
Carriage and Wagon Service,
Southern Railway,
Bangalore Applicant

(By Advocate Shri N.R. Naik)

v

1. Union of India
by its General Manager,
Southern Railway,
Park Town,
Madras
2. The Divisional Personal Officer,
Southern Railway,
Bangalore Division,
Bangalore
3. The Divisional Mechanical Engineer,
Diesel Shed, Southern Railway,
Krishnarajapuram,
Bangalore
4. The Divisional Mechanical Engineer,
Bangalore Division,
Bangalore City,
Southern Railway,
Bangalore
5. Shri A. Louis
Khalasi, FO/Diesel, Yeshwanthapur,
Southern Railway,
Bangalore
6. Shri K.C. Arnold,
Diesel Fitter, Skilled Gr.III,
Southern Railway, Krishnarajapuram,
Bangalore
7. Shri M.N. Prabhu,
Liverman, Skilled Gr.I
Station Supdt. Yeshwanthapuram,
Bangalore



8. Shri V. Srinivasa Rao,
Carriage & Wagon Fittings,
Head Train Examiner,
Yelahanka,
Bangalore

Respondents

(By learned Standing Counsel)
Shri A.N. Venugopal

R-5 to 8 placed ex parte

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Heard.

2. The application stands restored and treated as posted for hearing today. Admit.

3. We have heard the counsel for the applicant, and Shri A.N. Venugopal appearing for respondents 1 to 4.

4. This is all about the non-selection of the applicant for being seconded as Diesel Assistant which called for some training. It is common ground that the applicant was working as a Khalasi in the Steam Locomotives now gone out of fashion having been replaced by Diesel Locomotives. The question of fitting such surplus persons who were working in the Steam Locomotives into Diesel Locomotives had arisen. The Railway Board made an order which is produced at Annexure R-1 dated 15.3.90. Relevant portion of the order is reproduced below:

"2. Ministry of Railways have carefully, examined the matter. It is pointed out that para 3(ii) of this Ministry's circular No.E(NC)II/84/RE1/10 dated 21.4.89 states

that minimum educational qualifications should not be insisted upon for redeployment of surplus staff. At the same time, it will be appreciated that running staff with experience in steam traction only, cannot be placed on the same footing as those with experience in diesel traction. Nevertheless due consideration has to be shown to steam staff (in regular employment) becoming surplus in the matter of their redeployment in suitable alternative jobs. Having regard to those aspects, Board have decided that the surplus steam staff may be given conversion training in diesel/electric traction without insisting on any educational qualification and age restriction, but subject to the following conditions:

- i) the surplus steam staff selected for the conversion training should be screened properly to ensure that they have basic intelligence and literacy to absorb the conversion training;
- ii) illiterate or semi-illiterate staff should be first given a special course (say for 3 months or so) to bring them to a minimum acceptable level of literacy. This opportunity need be given only once;
- iii) the staff should give an undertaking before being nominated for conversion training that they may be transferred to other stations within the division;
- iv) the concerned staff should not be given more than three chances to pass the conversion training.

3. It may, however, be clarified that this relaxation of minimum educational qualification and age would be applicable only in case of surplus staff. For normal induction of Fireman as Diesel/Electric Assistants on promotion to fill up vacancies the educational qualification and age restriction indicated in this Ministry's letter No.E(NG)/I/84/PM 7/56 dated 3.11.87 should be strictly followed."

5. It is in terms of the Railway Board's letter referred to supra that the case of the applicant had to be considered. The applicant's grievance is that such consideration had not been done and instead people who were junior to him in the Khalasi Cadre had been picked up and sent



for training under the Scheme formulated by the Railway Board to be posted in due course as Diesel Assistants.

6. Notice having been issued to the respondents Railway Administration, they have filed a reply statement in which they have said that the case of the applicant was also considered by a Screening Committee for being absorbed as Diesel Assistant but the Screening Committee found the applicant totally unfit for selection. Thus the applicant failed in the selection as he was found unfit for holding the post of Diesel Assistant.

7. Be that as it may, we now find that by a circular letter dated 23.12.94, a copy of which is produced by the Railway Administration, the chance of being selected for training for appointment as Diesel Assistant is open to the employees who had already been screened and not considered for the post earlier. We place on record the said letter. In terms of the concession given in the said letter permitting even those who had been screened earlier and found unfit, we permit the applicant to make an application for de novo consideration of his case and the Department to pass appropriate orders thereon. We make it clear that if the applicant desires absorption in the cadre of Diesel Assistants, he should make necessary application hereafter and seek for absorption.

8. We dispose of this application accordingly.
No costs.

Sd-

Sd-

h.m.
MEMBER (A)

VICE CHAIRMAN

TRUE COPY

09/10/95
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

