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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: - 4 ~~Nov~~ 1994

APPLICATION NO: 813 of Nov 1993

APPLICANTS:- Mr. K. H. Chandra Kumar
V/S.

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

To

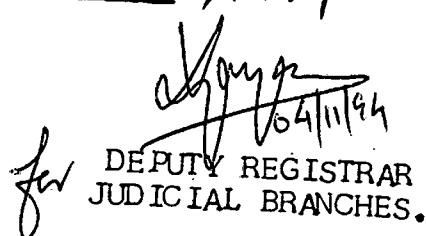
1. Shri N. R. Naik, Advocate
No. 147/7, Sree Ram Road
2nd Block, Thyagarajnagar,
Bangalore - 560 028.

2. Smt. M. V. Nirmala Advocate.
No. 53, N. S. Tyenger Street,
Seshadripuram,
Bangalore - 20.

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 27th October, 1994


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

7

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

Application No.

813/43 of 1994

K. H. Chandru Kumar vs. G.M., S. Rly., Madras & Ors.

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 style="text-align: right;">Sd/- MEMBER(A)</p> <p style="text-align: right;">Sd/- VICE-CHAIRMAN</p> <p>TRUE COPY <i>Shyam</i> 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.

NW
Dated: 4 ~~NOV~~ 1994

APPLICATION NO: 813 of NOV 1993

APPLICANTS:- Mr. K. H. Chandra Kumar
V/S.

RESPONDENTS:- General Manager, S. Rhys Madras & Sons.

To

1. Shri N. R. Naik, Advocate
No. 147/7, Sree Ram Road
2nd Block, Thyagarajnagar,
Bangalore - 560 028.
2. Smt. M. V. Nirmala Advocate.
No. 53, N. S. Iyenger Street,
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~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above
mentioned application(s) on 27 NOVEMBER, 1994

g/c
Issued on 4/11/94

104/11/94
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

Application No.

813/93 of 1994

ORDER SHEET (contd)

K. H. Chandra Kumar vs. G. M. S. Rlys. Madras and Ors.

Date	Office Notes	Orders of Tribunal
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(PKS)VC/(TVR)M(A)

OCTOBER 27, 1994.

Called more than once. Applicant and his learned counsel are absent throughout. Learned Standing Counsel for the Railways is present.

Apparently the applicant is not interested in prosecuting this matter. Therefore, this application is rejected for non-prosecution.

Sd/-
MEMBER(A)

Sd/-
VICE-CHAIRMAN



TRUE COPY

Yaya
Section Officer 11/1994
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 31 JAN 1995

APPLICATION NO: 813 of 1993

APPLICANTS:- Sri.K.H.Chandrakumar, Bangalore.

V/S.

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

To

1. Sri.N.R.Naik, Advocate,
No.187/7, Sree Rama Road,
II Block, Thyagarejanagar,
Bangalore-560028.
2. Smt.M.V.Nirmala, Advocate,
No.53, N.S.Iyengar Street,
Seebadripuram, Bangalore-20.

Subject:- Forwarding of copies of the Order 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 20-01-1995.

Issued on
31/01/95

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objay
fir DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.813/1993

FRIDAY THIS THE TWENTIETH DAY OF JANUARY, 1995

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN
MR. T.V. RAMANAN MEMBER(A)

K.H. Chandrakumar,
Khalasi, Loco Foreman Office,
Bangalore City, 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 Personnel Officer,
Southern Railway,
Bangalore Division,
Bangalore
3. The Divisional Mechanical Engineer,
Diesel Shed, Southern Railway,
Krishnarajapuram,
Bangalore
4. The Divisional Mechanical Engineer,
Bangalore Division,
Southern Railway,
Bangalore
5. Shri D. Karibasavaiah,
Khalasi, C&W(MG),
Scuthern Railway,
Bangalore
6. Shri K. Sashidharan Nair,
Khalasi, Foreman Office,
C&W Southern Railway,
Bangalore
7. Shri S. Rathnakumar,
Khalasi, Loco Foreman Office,
Southern Railway,
Bangalore
8. A. Venkataswamy, HUB/LK
Southern Railway,
Bangalore

X Respondents

(By learned Standing Counsel)
Smt. M.V. Nirmala for R-1 to 4
R-5 to 8 placed ex parte



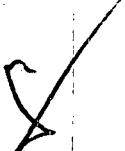
ORDER

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 Smt. M.V. Nirmala 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 19.3.90. 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(NG)/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



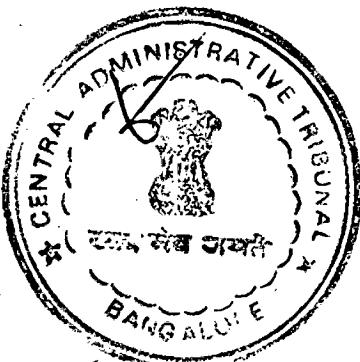
in diesel/electric traction without insisting on any educational qualification and age restriction, but subject to the following conditions:

- 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 be given 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(MG)/I/84/PM7/56 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 have Railway Administration, they filed reply statement have in which they said that the case of the applicant



was also considered by a Screening Committee for being absorbed as Diesel Assistant but the Screening Committee recommended the case of the applicant subject to verification that he had done one round trip on foot plate as claimed by him at the time of consideration of his name for training. It now transpires that the assertion by the applicant Chandra Kumar that he had done one round trip on foot plate is not proved and the result is he was considered unfit for training. This information provided by a communication dated 9.10.92 is produced by the Department. In this view of the matter, the applicant no doubt failed in the selection.

7. Shri Naik for the applicant challenges this statement and says that his client Chandra Kumar has proven material to show that he has completed one round trip on foot plate but the same is not readily available.

8. 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. If the applicant is in his possession any certificate to prove that he has completed one round trip on foot plate, he may produce the same along with his application to the concerned authority and thereupon his case for the posal of Diesel Assistant may be considered. We make it clear that if the applicant desires absorption in the cadre of Diesel Assistant, he should make necessary application along with certificate referred to supra and seek for selection.

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

Sd/-

MEMBER (A)

Sd/-

VICE CHAIRMAN



TRUE COPY

31/01/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore