

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: - 4 ^{NW} 1994

APPLICATION NO: 814 of 1993

APPLICANTS:- Mr. C. Thomas
V/S.

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

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

2. Smt. M. V. Nimale Advocate
No. 53, N. S. Iyengar Street
Seshadripuram,
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 27th October 1994

[Signature]
04/11/94
fw DEPUTY REGISTRAR
JUDICIAL BRANCHES.

OA 814/93

(8)

C. Thomas Vs. G² M. S. Rhy. Madras & 7 ors.

Date

Office Notes

Orders of Tribunal

(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.



MEMBER(A)

VICE-CHAIRMAN.

TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 4 ~~May~~ ^{NW} 1994

APPLICATION NO: 814 of 1993

APPLICANTS:- Mr. C. Thomas
V/S.

RESPONDENTS:- General Manager, S.R.H.S. Madras & F&S

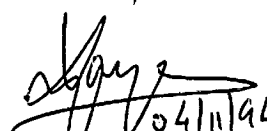
- I.
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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

O A. 814/93

Shri C. Thomas Vs. ² G.M., S. Ry. Madras & 7 ors.

Date	Office Notes	Orders of Tribunal
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OCTOBER 27, 1994.

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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: 814 of 1993.

APPLICANTS:- Sri.C.Thomas, Bangalore.

V/S.

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

To

1. Sri.N.R.Naik, Advocate,
No.177/7, Sri Rama Road,
Second Block, Thyagarajanagar,
Bangalore-560 028.
2. Smt.M.V.Nirmala, Advocate,
No.53, N.s.Iyenger Street,
Seshadripuram, 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

[Signature]

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[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.814/1993

FRIDAY THIS THE TWENTIETH DAY OF JANUARY, 1995

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

Shri C. Thomas,
Khalasi,
Traffic Station Superintendent,
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 Div.,
Bangalore
3. The Divisional Mechanical Engineer,
Diesel Shed, Southern Railway,
Krishnarajapuram,
Bangalore
4. The Divisional Mechanical Engineer,
Bangalore Division,
Bangalore City Railway Station,
Southern Railway,
Bangalore
5. Shri A. Louis,
Khalasi, FD/Diesel Yeshwanthapura,
Bangalore
6. Shri K.C. Arnold,
Diesel Fitter, Skilled Grade III,
Southern Railway, Krishnarajapuram,
Bangalore
7. Shri M.N. Prabhu,
Liverman, Skilled Grade I,
Station Superintendent, Yeshwanthapura,
Bangalore
8. Shri V. Srinivasa Rao,
Carriage & Wagon Fittings,
Head Train Examiner, Yelahanka Respondents
Bangalore

(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 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(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(MC)/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.



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31/01/95
Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

MEMBER (A)

VICE CHAIRMAN