

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 203/93

Date of Decision: 2.7.1999

Shri Narayan Khandoo and others Applicant.

Shri G.D. Samant. Advocate for
Applicant.

Versus

Union of India and others. Respondent(s)

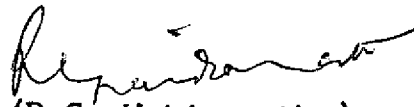
Shri S.C. Dhawan. Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyantha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

- (1) To be referred to the Reporter or not? *no*
- (2) Whether it needs to be circulated to other Benches of the Tribunal? *no*


(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No.203/93

Friday the 2nd day of July 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri D.S.Baweja, Member (A)

Narayan Khandoo
Residing at
Railway Quarter,
J/ A 41, Nataraj Colony
Daund, Dist. Pune.

Chandrakant Kundalik Girme,
Residing at
Railway Quarter,
R/B, I 366,
Banglow Side,
Daund, Dist. Pune.

Mahamad Abdul Imam
Residing at
Railway Quarter
J 181/ G, Daund,
Dist. Pune.

Abdul Kadar Mohamad Hanif
Residing at
Goa Galli
Behind Shed,
Daund, Dist. Pune.

...! Applicants!


By Advocate Shri G.D.Samant.

V/s.

1. Union of India through
General Manager
Central Railway
Bombay VT.
2. Divisional Railway Manager,
Central Railway,
Solapur.

By Advocate Shri S.C.Dhawan.

...2...!



ORDER (ORAL)

{Per Shri Justice R.G.Vaidyanatha,Vice Chairman}

In this O.A. the applicants are challenging the action of the Railway Administration in sending junior Diesel Assistants for training for promotion to the post of Driver 'C' ignoring the applicant who are seniors. The respondents have filed reply opposing the application. We have heard the learned counsel for both sides.

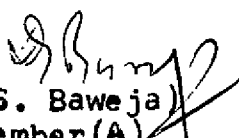
2. The applicants who were originally appointed as Yard Khalashis, got promotion as Fireman and Diesel Assistant during the period 1983 to 1987. To the next promotion of Driver 'C', it is stated that some of the juniors have been sent for training ignoring the applicants. But the stand of the administration is the applicants do not have educational qualification of 8th standard and they could not be sent for training. The applicants are challenging the said policy of the administration in insisting the 8th standard as educational qualification for sending for training. They have given some instances of some juniors who do not have minimum 8th standard qualification still they were sent for training.'

3. The respondents stand is that only those Diesel Assistants with 8th standard qualification and above are sent of training as pre-promotion training as next promotion for Driver 'C'. Since all the applicants do not have 8th standard qualification they could not be sent for training.

4. At the time of hearing it is brought to our notice that all the applicants who were Diesel Assistants, on the date of filing the application have been promoted as Shunters and now there is no dispute that from the post of Shunters the applicants can be promoted as Goods Driver subject to their eligibility as per rules. There is no minimum educational qualification for promotion of Shunters to Driver 'C'. The learned counsel for the respondents fairly submitted that the applicants would be considered for promotion to Driver 'C' subject to seniority and eligibility without insisting on minimum educational qualification. Even the learned counsel for the applicant fairly submits that the applicants will be satisfied if they were considered for the promotion to Driver 'C' without insisting on any educational qualification. This O.A. can be disposed of in view of the submissions made at the time of argument.

5. In the result the O.A. is allowed with the following directions.

1. Applicants who are working as Shunters should be considered for next promotion of Driver 'C' as per seniority in Shunters and eligibility as per rule without insisting on minimum educational qualification.
2. In the circumstances of the case there will be no order as to costs.


(D.S. Baweja)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman