

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 1080/91.

Dt. of Decision : 28.11.94.

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|-------------------------|----------------------------|
| 1. D.Thomas             | 17. G.Anand                |
| 2. R.B.Kishore Singh    | 18. K.Subrahmanayam        |
| 3. B.Ramanaiah          | 19. V.P.Sivadasan          |
| 4. B. Cazar             | 20. M.Selva Raj            |
| 5. U.Santhanam          | 21. A.C.Subba Rao          |
| 6. N.Venkata Muni Reddy | 22. K.Babu                 |
| 7. N.Balasubrahmanyam   | 23. V.A.Radhakrishna       |
| 8. M.Arjun Reddy        | 24. K.Subrahmanyam Pillai  |
| 9. M.Chandra Mouli      | 25. G.Suryaprakesh         |
| 10. N.Manikya Rao       | 26. M.Kamalesyamaiah       |
| 11. P.Venugopal         | 27. M.Sreehari             |
| 12. S.Ratnakar          | 28. K.Krishna Murthy Reddy |
| 13. S.Karunakaram       | 29. G. Rajendra Prasad     |
| 14. K.Ponnu Swamy Reddy | 30. K.Venkata Reddy        |
| 15. G.Murali            | 31. C.Kannaiah             |
| 16. A.Muna Swamy        | 32. V.Ramachandraiah       |

.. Applicants.

Vs

1. Workshop Personnel Officer,  
Carriage Repair Work Shop,  
SC Rly, Tirupathi.
2. Dy. Chief Mechanical Engineer,  
Carriage Repair Work Shop,  
SC Rly, Tirupathi.
3. Chief Personnel Officer,  
SC Rly, Secunderabad.
4. Union of India rep. by  
the Secretary Railway Board,  
Rail Bhavan, New Delhi.

.. Respondents.

Counsel for the Applicant, : Mr. G.V.Subba Rao

Counsel for the Respondents : Mr. N.V.Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

G.A. 1080/91.Dt. of Decision : 28.11.94.ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

The grievance of the applicants, who were notionally absorbed as regular Khalasis with effect from 25.6.1988 by order dt. 9.11.1990 is that inspite of the fact that there were as many <sup>as</sup> 210 vacancies in the grade of Skilled Artisons, the respondents are not taking action for filling up of the 25% of the vacancies by considering serving staff who have acquired the requisite education qualification. The applicants have alleged that according to the provisions contained in the Indian Railway Establishment Manual, recruitment to the skilled grade III, is to be made 50% by promotion 25% by direct recruitment and 25% by considering the staff who have acquired the apprentice qualification or who have passed the ITI course. All the applicants in this case claim that they are ITI qualified persons and that they have been regularly absorbed in services with effect from 25.6.88. Hence the applicants pray that the respondents may be directed to identify the yearwise vacancies for the different sources to fill up the vacancies in skilled grade III and to consider the applicants for appointment to the posts on the basis of their eligibility.

2. The respondents have contended that the action for promotion to grade III posts in skilled category could be initiated only in the year 1991, for want of avenue chart and finalisation of seniority list for semi-skilled and un-skilled staff, that the applicants 1 to 4, 6 to 8,

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14 to 20 and 31 to 32 have been alerted for trade test for promotion and that the selected employees for LDCE vacancies would be inducted at a later stage based on the future vacancies.

3. We have perused the pleadings and documents and have heard learned counsel for both the parties. The claim of the applicants for identification of yearwise vacancies in the skilled grade III prior to November 1990 does not arise in this case, because the applicants, though with retrospective effect from 25.6.88, have been absorbed in regular service only by the order dt. 9.11.90. There is no case for the applicants that any vacancy which fell to the 25% quota to be filled by limited departmental competitive examination of serving staff with ITI qualification had been filled by any other mode after 9.11.90. However from the reply statement it has become evident that while the respondents initiated action for filling up of vacancies in the promotion quota, no corresponding steps have been taken for filling up of 25% quota for limited departmental competitive examination from among the serving staff with ITI qualification. No reasonable explanation is given in the reply statement as to why the respondents have not initiated action for filling up of these vacancies. Under these circumstances we are of the considered view that the application can now be disposed of with appropriate directions to the respondents to initiate action for filling up of the 25% limited departmental competitive examination quota by considering the eligible

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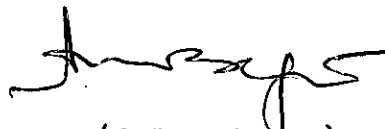
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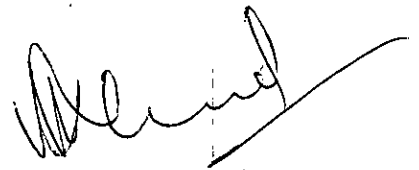
serving staff including the applicants.

4. In the result, the application is disposed of with the following directions:

The respondents are directed to initiate action for filling up of the 25% existing vacancies in the cadre of skilled artisan grade III (950-1500) meant for LDCE by considering the eligible staff including the applicants, who fulfil the educational and other qualifications, without further delay.

5. There is no order as to costs.

  
(A.B. GORTHY)  
MEMBER (ADMN.)

  
(A.V. HARIDASAN)  
MEMBER (JUDL.)

Dated : The 28th November 1994.  
(Dictated in Open Court)

  
24/12/94  
DEPUTY REGISTRAR(J)/f

Copy to:

1. The Work Shop Officer, Carriage Repair Work Shop, South Central Railway, Tirupathi.
2. The Dy. Chief Mechanical Engineer, Carriage Repair Work Shop, South Central Railway, Tirupathi.
3. The Chief Personnel Officer, South Central Railway, Secunderabad.
4. The Secretary, Railway Board, Union of India, Rail Bhavan, New Delhi.
5. One copy to Mr. G.V. Subba Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. N.V. Ramana, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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