

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 561/95

DATE OF ORDER : 26-11-1997.

Between :-

1. G.Nagendra Rao
2. J.E.Sanjeeva Rao

... Applicants

And

1. Chief Personnel Officer,
SC Rlys, Sec'bad.
2. Chief Electrical Loco Engineer,
SC Rlys, Electrical Traction side,
Sec'bad.
3. Sr. Personnel Officer, (SPO)
SC Rlys, Sec'bad.
4. P.Prakash Pal
5. Katta Ratnam

... Respondents

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Counsel for the Applicants : Shri S.Laxma Reddy

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys,

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri S.Lakshma Reddy, counsel for the applicants and Sri V.Bhimanna, standing counsel for the respondents.

2. There are two applicants in this O.A. Both the applicants joined as Chargeman-A on 1-1-84. While they were working as Chargeman-A in the scale of Rs.1600-2660 ^{they} were asked to give their options to be re-deployed in the Electrical Traction or Diesel Traction side ^{- of staff} due to shrinkage in the Steam Loco Shed by notification dt.2-9-93 counter (Annexure - 1 to the /). The case of the applicants was considered in a selection on 19- 2-94 (Annexure-II to the reply) and on 26-5-94 (Annexure-III to the counter). The first screening was conducted by Junior Administrative Grade officer and the second screening was conducted by Chief Electrical Locomotive Engineer and the Respondents 4 and 5 were selected. Both the applicants were found unsuitable for absorption in the Electrical Traction side (TRS Organisation), due to their unsuitability. They were selected for Diesel Traction that Training and both of them were sent for/training which commenced from 27-3-95 for a period of four months.

3. The applicants contend that they were seniors in the grade of chargeman-A and also belong to SC community and hence overlooking their claim for absorption in Electrical Traction side and absorbing Respondents 4 and 5 in the Electrical Traction is a case of discrimination.

4. Hence they are challenging screening of surplus staff for absorption and imparting conversion training in the ETTC Bezawada

starting from 20-2-95 by the impugned order No; P.652/Mech/Surplus/ Supervisors dt.3-2-95 (Page-19 to the OA).

5. They are also challenging their absorption in Diesel Traction instead of Electrical Traction / by sending them for conversion training by the impugned order No.P.652/Mech/Surplus/Supervisors dt.14-2-95 (Page-21 to the OA).

6. This O.A. is filed praying for a declaration that the impugned orders issued by the proceedings No.P.652/Mech/Surplus/ Supervisors dt.3-2-95 to the extent of not selecting and sending them to Electrical Traction Training School for absorption into Electrical Traction Loco Shed and selecting and sending their juniors for Electrical Traction Training and also directing the applicants for Diesel Training at Guntakal through proceedings No.P.652/Mech/ Surplus/Supervisors dt.14-2-95 for absorption into Diesel Organisation ~~are~~ is totally illegal and in violation of articles 14 and 16 of the constitution of India and for a consequential direction to the respondents to send them for Electrical Traction Training School at Bezawada for absorption into Electrical Loco Shed at Lalaguda with all consequential benefits on par with their juniors absorbed in Electrical Traction Loco Shed.

7. A reply has been filed in this O.A. The main contention of the respondents in this O.A. is that both the applicants were considered for absorption in the Electrical Traction side as per their seniority but they were not taken for conversion training in the Electrical Traction as they were not found eligible by the screening Committee twice. First one ^{was} ~~is~~ conducted by Jr.Administrative Grade level and the later at the level of Chief Locomotive Engineer, who is overall incharge of Electrical Traction. The res-

pondents 4 and 5 found suitable by that Committee for sending them for the Training in the Electrical Traction and hence they were sent. The question of mere seniority does not play a major part in the selection when their suitability to handle the Electrical Traction devices is necessary for sending them for Electrical Traction Training School. Since both of them failed to come up to the standard in the screening, they were not sent to the Electrical Traction Training School. Further they were sent to Diesel Traction Training School and the question of loss of seniority does not arise.

8. It is further submitted by the respondents that both the applicants have volunteered for the post of Crew/Power Controller in the scale of Rs.2000-3200 (Loco Running Supervisors Cadre) and they have been posted on adhoc basis as Crew Controllers. When they were subjected to selection and were empanelled to the post of Power Controller in the scale of Rs.2000-3200 vide panel dt.30-11-95 (Annexure-V to the counter). Thus the O.A. has become infructuous, in view of the absorption of the applicants as Crew/Power Controllers.

9. We have considered the contentions raised by the applicants in regard to rejection of their cases for sending them to the Training Course in the Electrical Traction Wing. The Electrical Traction Wing requires capability to ~~absorb~~ grasp the various intricacies involved in that side. If the applicants do not possess that much capability to handle Electrical Traction Equipments, they cannot claim for sending them for training in that wing. The ultimate authority to decide their suitability for sending them to the Traction Training is ^{the} Chief Electrical Locomotive Engineer, who is responsible for proper running of Electrical Locomotives and maintenance of other Electrical assets.

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The CELE had considered their cases and found them unsuitable in the Electrical Traction. But the CELE considered the respondents 4 and 5 fit for sending them to Training in Electrical Traction school. This is in no way discrimination. Sending suitable employees for training is the prerogative of the department. No unsuitable employee can demand for sending them to a particular type of Traction only on the basis of seniority. The suitability plays an important role. Hence the rejection of the applicants for sending them to Electrical Traction and allowing respondents 4 and 5 to Electrical Traction ^{be regarded as} Training is in no way discrimination. As stated earlier, mere seniority is not sufficient. Hence we do not find any substance in the contentions raised by the applicants in this O.A.

10. The next contention of the applicants is that the interview held by the first and second screening committee is only an eye-wash as they were not asked any relevant question on the subject except asking them about their bio-data from the date of their joining. Thus the screening committee had not evaluated their suitability correctly.

11. Any examinee if he is declared unsuccessful, the contention as above is normally raised. No proof to that effect has been produced by the applicants. They have not filed even the gist of questions put to them. Normally the selection/screening committees are manned by experienced senior officers. Hence questioning the selection made without proper material on record cannot be accepted. As there are no proper material to prove the contention^s of the applicant as noted above, this contention has to fail.

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12. If malafides are attributed to the screening committee then such malafides can be examined if sufficient proof is brought on record. Further the official against whom the malafides are attributed should also be impleaded. mere statement of malafides cannot be taken note of without reliable proof and records thereon. In this case there is no proof to come to the conclusion that malafides ^{on the party} ~~by~~ members of the Screening Committee resulted in rejecting the applicants to send them for Electrical Traction training and no member of screening committee is impleaded against whom the applicants have ^{of} ~~any~~ grouse. Hence it has to be held that the applicants ^{have} not made out any case of malafide for rejecting their case.

13. It is seen from the reply that the applicants were sent for the grade of 2000-3200 has been sustained by the action of Railways. If they have ^d not been sent for Diesel Traction Training, they could have been made surplus when the steam Locomotives Traction have ^d become non-existence. But by selecting them on the Diesel Traction side, the respondents have ensured that the career prospects of the applicants are not put to dis-advantage. Further it is seen from the reply that both the applicants are promoted as Crew Controllers on adhoc basis in the scale of pay of Rs.2000-3200. Hence the applicants have not lost any promotional avenues.

14. In view of what is stated above, we find no merits in this O.A. Hence the O.A. is dismissed. No costs.


(B.S.JAI PARAMESHWAR)

Member (J)

26/11/97

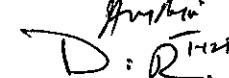
Dated: 26th November, 1997.

Dictated in Open Court.

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(R.RANGARAJAN)

Member (A)


D. R. Rajeswari



DA.561/95

Copy to:-

1. The Chief Personnel Officer, South Central Railway, Secunderabad.
2. The Chief Electrical Loco Engineer, South Central Railway, Electrical Traction Side, Secunderabad.
3. The Senior Personnel Officer (SPO), South Central Railway, Secunderabad.
4. One copy to Mr. S. Laxma Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 26/11/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in
O.A.NO. 561 / 95

Issued. ~~Interim Directions~~

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

