

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00291/2017

Dated Tuesday the 8th day of January Two Thousand Nineteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

A.Simon,
No. 8/46, Othavadai Street,
R.K.Kandigai,
Uttiramerur T.K.,
Kancheपुरam District 603403.

....Applicant

By Advocate M/s. Kingston Jerold

Vs

The Divisional Railway Manager,
Office of the Divisional Railway Manager,
Chennai.

....Respondent

By Advocate Ms. R. Sathyabama

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To pass an order to call for the records in connection with Order No.M/C.360/LCP/Policy/2016 passed by the respondent dated 20.12.2016 and set aside the same as illegal and improper and consequently direct the respondent herein to appoint the applicant for the post of trackman and pass such further or other orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

2. The grievance of the applicant is that though he had been serving as a licensed porter in the respondent department for the last 10 years, he had not been granted appointment on a regular post. The applicant's father had been made an offer of appointment to the post of Trackman on 09.08.2015. However, he could not accept the offer because of his age. Accordingly, the applicant ought to have been considered. However, the respondent passed an order on 20.12.2016 rejecting his request for appointment to the post of Trackman on the ground that "only those licensed porters could be considered for appointment as Gangman who possessed a valid license in terms of the extant rules as on 26.02.2008 ie. the date of announcement in parliament as a one time measure only" after following instructions given by the Railway Board in the matter.

3. The applicant was informed that the applicant had only got his badge by an office letter dt. 12.10.2009 and, therefore was not eligible. Learned counsel for the applicant would argue that since it is now over 10 years since the applicant had been enrolled, his claim could not be overlooked. The respondent ought to have also considered the fact that but for his age, the applicant's father

would have accepted the offer and, therefore, an exception could be made in his case.

4. Learned counsel for the respondents would, however, argue that the relevant Railway Board instructions were clear that the appointment as Gangman could be considered only on fulfilling the conditions as laid down in RBE 50/2008 dt. 01.04.2008. No transfer of licence from father to son is permissible thereunder. As admittedly, the applicant did not possess a valid licence as on 26.02.2008, the question of his appointment as Trackman/Gangman would not arise.

5. I have considered the pleadings and the submission made by the rival sides. It is not in dispute that the applicant was not in possession of a valid licence as on 26.02.2008 and he obtained his badge only by a letter dt. 12.10.2009. There is no provision in the rules/instructions for transfer of eligibility from father to son. Accordingly, the OA is misconceived and is liable to be dismissed.

6. In view of the above, the OA is dismissed. No costs.

(R. Ramanujam)
Member(A)
08.01.2019

SKSI