CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

OA.No.205/2017

Dated Monday, the 15th day of April, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

D. Thivianathan
No. 1, Keela Udayar Street
Ponmalai Patti
Trichy – 620 004. … Applicant

By Advocate M/s R. Pandian

Vs

1. Union of India rep. by
The General Manager,
Southern Railway, Park Town
Chennai 600 003.

2. The Chief Personnel Officer
Southern Railway
Park Town
Chennai 600 003.

3. The Workshop Personnel Officer
Southern Railway
Central Workshop
Ponmalai, Trichy 620 004. … Respondents

By Advocate Dr. D Simon

ORDER

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

> " To call for all the records relating to the non-consideration of the candidature of the applicant, for a Group 'D' post in Railways; and
>
> a. To direct the respondents to absorb and appoint the applicant in any Group 'D' post, as per the stipulations in the Railway Board's letters No. E(NG)II/99/RR-1/15 dated 30.05.2000 (RBE No. 103/2000); and further relaxed in No. E(NG)II/99/RR-1/15 Vol.IV dated 03.05.2006 (RBE No. 56/2006), as the applicant has been working as an Attender in the Railway Institute, Ponmalai, a Quasi-Administrative Office/Organisation connection with the respondent Railways from 01.08.1995 (sic) and fulfilled all the conditions for absorption/appointment; and
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> b. To pass such other order/orders".

2. It is submitted that the applicant had been working as an Attender in the Railway Institute at Ponmalai, Trichy, a Quasi Administrative Office of Southern Railway from 01.08.1995. As per the rules in force, persons working in the quasi administrative office of the Southern Railways as on 10.06.1997 and are still on the rolls are to be considered for appointment to a Group D post in Railways. Though the respondents had initiated and completed the process of verifying the details of the applicant by deputing a Welfare

Inspector, no orders were passed for his absorption in a Group D post. As the applicant is not yet an employee of the respondents, he has no departmental remedy to exhaust and hence constrained to prefer this OA before this Tribunal.

3. Dr.D.Simon, learned counsel appears for the respondents and submits that he was appearing only on change of nomination and was not aware why no reply had been filed. He also seeks time to file reply.

4. On perusal, it is seen that this OA was admitted on 13.02.2017 and notices were directed to be issued to the respondents by RPAD and email through the counsel for the applicant. It appears that the matter had been pending with the Registry and the Bench for want of reply from the respondents.

5. On further perusal, it is seen that the applicant who claims to be working as an Attender in the Railway Institute at Ponmalai, Trichy has not impleaded the Institute itself for corroboration of the facts alleged by him. He, however, relies on RBE No.103/2000 in letter No.E(NG)II/99/RR-1/15 dated 30.05.2000 wherein it is stated that staff working in quasi administrative office connected with the Railways would have to compete along with other eligible candidates for recruitment to the Railway service as and when a

notification for recruitment for Group D posts is issued by the Railways/RRBs. Attention is also drawn to Annexure A-2 RBE No.56/2006 dated 03.05.2006 wherein it is stated that the Railways could, with the approval of the General Manager, consider absorption of those staff of quasi administrative office/organization who were on the rolls as on 10.06.1997 and were still on the rolls subject to fulfilment of other conditions.

6. On a pointed query from the Bench whether the applicant made a representation to the competent authority regarding his grievance, learned counsel for the applicant answers in the negative. As such, it is premature for this Tribunal to go into the claim of the applicant in the face of non-exhaustion of departmental remedies.

7. At this stage, learned counsel for the applicant would submit that even without representation, the respondents had initiated the process of absorption of persons such as the applicant but no decision was being taken. In view of the submission, the applicant is granted liberty to make a representation to the competent authority regarding his grievance within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the competent authority shall consider the same in

accordance with the standing orders of the Railways and pass a reasoned and speaking order within a period of three months thereafter.

8. OA is disposed of as above. No costs.

(R.RAMANUJAM)
MEMBER (A)
15.04.2019

M.T.