

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.38152 of 2015

K.Mariappan

...Petitioner

vs.

1.Union of India rep. By the Secretary,
Railway Board, Rail Bhavan,
New Delhi 110 011

2.The General Manager,
Southern Railway,
Park Town, Chennai 600 003.

3.The Chairman,
Union Public Service Commission,
Dhaultpur House, Shajahan Road,
New Delhi.

4.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for records relating to 4th respondent/Tribunal's order made in O.A.No.1322 of 2012 dated 19.08.2015, to quash the same and to consequently direct the respondents 1 to 3 to conduct the review DPC for the assessment year 2009-2011.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.M.Udhayakumar
for R 1 and 2
R4 - Tribunal
R3 - No appearance

O R D E R

K.K.SASIDHARAN, J.

This petitioner filed Original Application in O.A.No.1322 of 2012 before the Madras Bench of the Central Administrative Tribunal, challenging the proceedings of the Departmental Promotion Committee (for short DPC) for the year 2009-2010 and for a consequential direction to conduct Review DPC. The Original Application was dismissed by the Tribunal, by order dated 19 August 2015. Feeling aggrieved, the unsuccessful applicant in O.A.No.1322 of 2012 is before this Court.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the Southern Railways.

3. The petitioner approached the Central Administrative Tribunal with a grievance that the Railways determined five vacancies for Scheduled Caste and one vacancy for Scheduled Tribe for the assessment year 2009-2011 for promotion. According to the petitioner, determination of vacancies was wrong and in case, it was re-considered, he would have been promoted.

4. The documents available on record indicates that 74 vacancies were to be filled up by way of promotion from Group-B to Group-A/Junior Scale. These 74 vacancies have been distributed among the unreserved, Scheduled Caste and Scheduled Tribe. While distributing the total vacancies to different zones, Railways have kept in view the availability of Scheduled Caste and Scheduled Tribe officers on each of the Railway Divisions, who would come within the zone of consideration. The Railway Board allotted 12 posts to the Southern Railways and out of that, 5 vacancies were reserved for Scheduled Caste and 1 for Scheduled Tribe. The applicant is an unreserved candidate. The DPC assessed the relative performance of all the candidates and found 6 officers above the applicant as fit for promotion. Since the petitioner was not in the zone of consideration, there was no occasion for the DPC to consider his performance. The petitioner now wanted redetermination of vacancies and consider his claim by calling for a review DPC. The contention taken by the petitioner was considered by the Central Administrative Tribunal in the light of the background facts and the Original Application was rightly dismissed. We do not find any error or illegality in the said order warranting interference by exercising judicial review.

5. In the up shot, we dismiss the writ petition. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Secretary,
Union of India,
Railway Board, Rail Bhavan,
New Delhi 110 011
- 2.The General Manager,
Southern Railway,
Park Town, Chennai 600 003.
- 3.The Chairman,
Union Public Service Commission,
Dhaulpur House, Shajahan Road, New Delhi.
- 4.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

+1cc to Mr.m. Udhayakumar, Advocate, S.R.No.12862
+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.13217

EV(CO)
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