



W.P.No.9539 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.9539 of 2025

M.Thirumalai, (M/68),
Retd. Shunting Master Grade-II,
Mayiladuthurai, Southern Railway,
Tiruchchirappalli.

.. Petitioner

Vs.

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

2.The Sr. Divisional Operations Manager,
Tiruchchirappalli Division,
Southern Railway, Trichy.

3.The Senior Divisional Personnel Officer,
Tiruchchirappalli Division,
Southern Railway, Trichy.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the order made in O.A.No.310/00314/2015 dated 07.03.2020



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on the file of the Central Administrative Tribunal, Madras Bench, to quash the same and to consequently direct the respondents to promote the petitioner as Shunting Master Grade-I in the Pay Band of Rs.9300-34800 with GP 4200/- on par with his contemporaries promoted as Shunting Master Grade-I vide office orders No.TA/Optg/70/2012 dated 08.10.2012 and to revise and re-fix the last drawn pay of the petitioner as on 31.12.2014 and to notionally re-determine petitioner's pension and other settlement dues thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.B.Sudhir Kumar
Senior Panel Counsel

ORDER

(Order of the Court was made by *V.LAKSHMINARAYANAN, J.*)

Heard Mr.L.Chandrakumar for the petitioner and Mr.B.Sudhir Kumar, Senior Panel Counsel for the respondents 1 to 3.

2.The petitioner seeks for the following relief:

“calling for records relating to the order made in O.A.No.310/00314/2015 dated 07.03.2020 on the file of the Central Administrative Tribunal, Madras Bench, to quash the same and to consequently direct the



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respondents to promote the petitioner as Shunting Master Grade-I in the Pay Band of Rs.9300-34800 with GP 4200/- on par with his contemporaries promoted as Shunting Master Grade-I vide office orders No.TA/Optg/70/2012 dated 08.10.2012 and to revise and re-fix the last drawn pay of the petitioner as on 31.12.2014 and to notionally re-determine petitioner's pension and other settlement dues thereto."

3.For the sake of convenience, the parties shall be referred to as per their rank before the Central Administrative Tribunal (hereinafter referred to as 'CAT'). The writ petitioner is the applicant and the respondents were the respondents before the CAT.

4.the undisputed facts are as follows:

(i)The applicant joined the Southern Railway as a Casual Labourer in the year 1972. He was posted substantively as a Porter in the year 1974. He was promoted to Points Man-B in the year 1987 and Points Man-A in the year 1989.



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(ii)While working as Points Man-A, the respondents notified for selection of Shunting Master Grade-II. The applicant participated in the written examination on 21.07.2012. The Divisional Office, Tiruchirappalli, declared the result on 08.08.2012. The applicant had secured 83 marks out of 100 and therefore, was declared to have obtained the requisite qualifying marks.

(iii)The applicant was granted the promotion and directed to report to Mayiladuthurai. Though he was successful in obtaining the promotional transfer, the applicant did not join the post. He gave a representation on 20.08.2012 stating that he, be posted to Villupuram or Cuddalore Port or Pondicherry. The respondents did not accede to this request, since there was no vacancy. In the mean time, the applicant's juniors accepted their promotional transfers and immediately reported to their respective stations. The applicant reported to Mayiladuthurai only on 27.11.2014.

5.The cause of action for the applicant before the Tribunal was that the respondents had promoted those who had completed two years of training and two years of service in their post as Shunting Master Grade-



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II to Shunting Master Grade-I. The applicant was not included in the said list. Consequently, he moved CAT seeking for a direction to the respondents to promote him to the post of Shunting Master Grade-I, along with those who had been included in the Shunting Master Grade-II panel on 08.12.2012.

6.The Tribunal entertained the application and ordered notice to the respondents. The respondents filed a detailed counter. According to the respondents, Shunting Master Grade-I is not a selection post. In order to be eligible to be posted as Shunting Master Grade-I, employees would have to complete the minimum period of two years as Shunting Master Grade-II. They added the orders are also issued on the basis of seniority and suitability. They further pointed out as there is no provision for promoting a person to a higher post without completing the two years residency period, which is mandatory in nature. Consequently, they sought for the application to be dismissed. The Tribunal accepted the case of the respondents and dismissed the application. Hence, this writ petition.



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7.We have gone through the records and carefully considered the submissions of both sides.

8.The post of Shunting Master Grade-I is not a selection post. A person in order to be eligible to be promoted to the post of Shunting Master Grade-I should complete the mandatory residency period of two years. When the orders were issued on 15.10.2014, the applicant had not completed this minimum requirement of two years. He had joined the post at Mayiladuthurai only on 26.11.2014. A perusal of the application shows, though, posting orders had been given to the applicant to join the vacancy at Mayiladuthurai, he did not do so, but insisted that he should be posted either in Villupuram or Cuddalore or Pondicherry. He pleaded personal reasons for not being able to join the work at Mayiladuthurai. The applicant has no one to blame other than himself for not having acquired the minimum experience of two years as Shunting Master Grade-II. When the basic requirement has not been fulfilled by the applicant, we do not find any reason to interfere with the order of the Tribunal.



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9.The scope of a writ petition under Article 226 of the Constitution of India is visitorial or supervisory. We are not sitting in appeal against an order passed by the Tribunal. We are concerned with the decision making process rather than the decision itself. Nonetheless, we went into the merits of the case taking into consideration that the applicant is aged about 68 years as on today. Even on merits, we do not find the applicant has made out a case. Consequently, the writ petition is dismissed. However, in the circumstances, we are not inclined to impose any cost.

(M.S.R., J)

(V.L.N., J)

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Index : Yes
Internet : Yes
Neutral Citation : Yes

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4.The Central Administrative Tribunal,
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