

Vishnu B.S, vs Union of India, Represented by the General Manager,

Vishnu B.S, vs Union of India, Represented by the General Manager,

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Court : Kerala

Decided On : Mar-03-2025

Judge : Honourable Mr. Justice Amit Rawal,Honourable Mr.Justice K. V. Jayakumar

Appeal No. : OP (CAT)/200/2023

Appellant : Vishnu B.S,

Respondent : Union of India, Represented by the General Manager,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946 AGAINST THE JUDGMENT DATED 20.07.2023 IN OA NO.484 OF 2021 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH PETITIONERS/APPLICANTS: 1 VISHNU B.S, AGED 31 YEARS, S/O BABU KURUP, SENIOR ASSISTANT LOCO PILOT, SOUTHERN RAILWAY, OFFICE OF THE CHIEF CREW CONTROLLER, PALAKKAD, PERMANENT ADDRESS: MADHAVI NIVAS, MAMOM, KIZHUVILAM P.O. ATTINGAL, THIRUVANANTHAPURAM, PIN - 695104 2 M.R. REBIN, AGED 33 YEARS, S/O RAGHAVAN, SENIOR ASSISTANT LOCO PILOT, SOUTHERN RAILWAY,OFFICE OF THE CHIEF CREW CONTROLLER,

SHORNUR, PERMANENT ADDRESS: MEETHETHIL, PUTHUPPALLIKUNNAM, CHARUMMOD P.O., ALAZPUZHA, PIN - 690505 3 ANIL RAJ, AGED 34 YEARS S/O ANTONY A, SENIOR ASSISTANT LOCO PILOT, SOUTHERN RAILWAY, OFFICE OF THE CHIEF CREW CONTROLLER, CALICUT, PERMANENT ADDRESS: PUTHUVAL HOUSE, TC-78/4163, VETTUCAUD, BEACH P.O., THIRUVANANTHAPURAM, PIN - 695007 4 RENJU KRISHNAN R, AGED 32 YEARS, S/O RADHAKRISHNA PILLAI C, SENIOR ASSISTANT LOCO PILOT, SOUTHERN RAILWAY, OFFICE OF THE CHIEF CREW CONTROLLER, PALAKKAD, PERMANENT ADDRESS:PIRAVANTHIYIL PUTHANVEEDU, AMPAZHAVAYAL, PERINAD P.O., KOLLAM, PIN - 691601 5 RAHUL KRISHNAN, AGED 35 YEARS, S/O RADHAKRISHNAN NAIR M, SENIOR ASSISTANT LOCO PILOT, SOUTHERN RAILWAY, OFFICE OF THE CHIEF CREW CONTROLLER, PALAKKAD, PERMANENT ADDRESS CISHAKAM, NEDUMPANA, KOLLAM, PIN - 691576

BY ADVS. SIMLA PRABHAKARAN MAHIN PRABHAKARAN NEENA C.P. RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY THE GENERAL MANAGER, SOUTHERN RAILWAY, HEAD QUARTERS OFFICE, PARK TOWN P.O., CHENNAI, PIN - 600003 2 THE PRINCIPAL CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY, HEAD QUARTERS OFFICE, PARK TOWN P.O., CHENNAI, PIN - 600003 3 THE SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, PALAKKAD DIVISION, PALAKKAD, PIN - 678002 4 THE SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY, THIRUVANANTHAPURAM DIVISION, THIRUVANANTHAPURAM, PIN - 695014

5 THE RAILWAY BOARD, RAIL BHAVAN, NEW DELHI THROUGH ITS SECRETARY, PIN - 110001 BY ADV SHRI.K.S.PRENJITH KUMAR, CGC THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 03.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

AMIT RAWAL, J.

Petitioners are working as Senior Assistant Loco Pilots (Sr.ALPs). Vis-a-vis the Direct Recruits and Promotees, there was a quota fixed by the railways to the extent of 75:25, ie., 75% for Direct Recruits and 25% for the promotional quota, ie., ALP; as per Ext.A1 dated 30.11.2020. Thus the period for zone of consideration increased to 5 years from 3 years giving a cause of action to the Loco Pilots to lay challenge to the aforementioned decision dated 30.11.2020 as well as seeking further directions to transfer and relieve the petitioners to the Thiruvananthapuram division against DR quota vacancies of Assistant Loco Pilots with all consequential benefits.

2. Learned Tribunal, in paragraph 29 of the

order under challenge, accepted the aforementioned

contention by observing as under, but did not grant the other relief, giving cause to the petitioners to approach this Court.

29. Thus in light of the above facts, we are of the opinion that the contention that Circular of the General Manager, PCPO at Annexure A12 which has raised the IDT/IRT quota to 65% and also reduced the eligibility to register for such transfers from 5 years to 3 years, is illegal or does not adequately meet the demands of the staff who are seeking Inter Divisional Transfer is not established. On the other hand, we find that it also meets the requirements for fresh DRQ/RRB candidates in a Division which is important. As noted it is not possible to fill a particular Division with only IDT/IRT transferees and still yet another Division only with fresh DRQ/RRB candidates. There has to be a balance between these two sets of direct recruits, so that there are experienced Loco Pilots co-existing and training the freshers. Further, we note that this formula/ratio has been arrived at after intense discussion with the employee associations after efforts were made by the top Railway management at the Zonal level through their Senior Administrative Grade Officers Committee. This policy at Annexure A12 has come to be formulated only due to the huge IDT/IRT requests overwhelmingly aimed at only one

Division, namely Thiruvananthapuram Division. The Railways thus not only had to balance the interest of its employees; at the same time, more importantly, it had to balance the interest of its customers. Most important is the question of safety in the Railway system which has to be kept at top priority. The principle behind the working out of a ratio, as suggested by this Tribunal, was thus to ensure a fine balance between the induction of fresh recruits and the transfer of experienced personnel and that has been well maintained.

2. It is a matter of record that during the

pendency of the matter, the ratio fixed as per Ext.A1 was later on changed and reduced vide Ext. P9 communication dated 15.06.2022, as 35:65 instead of 75:25, meaning thereby the chances of the ALP for Inter-divisional transfer increased many fold.

3. Mr. Prenjith Kumar, learned counsel appearing

on behalf of the Railways submitted that against the direct selections, the training period is going on. The moment the trainees are placed, the process of Inter-divisional transfer shall be considered in terms of the communication dated 15.06.2022 reducing the ratio. The direction concerned in the aforesaid communication reads as follows:

(I) The ratio of filling running staff vacancies shall be made at 35:65 instead of the ratio 75:25 as advised earlier vide letter cited (dated 30.11.2020), i.e., Out of total/net DRQ vacancy in ALP category in a Division, 35% shall be filled up from DRQ (RRB candidates) and the remaining 65% shall be filled through IDT/IRT.

4. In this view of the matter, the grievance of

the petitioners has been vindicated to a quite extent and as far as the other prayer of transferring them is concerned, the same shall be considered at the moment when the training period is over.

5. We thus, dispose of the petition by modifying

the order under challenge, noticing the fact that the ratio has been reduced and the chances of inter divisional transfer have increased. The respondents will take a call on the matter when the training is over, considering the request of all the petitioners as well as similarly situated Assistant Loco Pilots or Senior Assistant Loco Pilots working in various divisions for Inter-divisional Transfer, as expeditiously as possible. Original Petition stands disposed off. Sd/- AMIT RAWAL , JUDGE Sd/- K. V. JAYAKUMAR, JUDGE msp APPENDIX OF OP (CAT) 200/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE ORIGINAL APPLICATION

NO.484 OF 2021 FILED BY THE PETITIONERS BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 11.9.2021 Exhibit P2 TRUE COPY OF THE REPLY STATEMENT FILED BY THE RESPONDENTS IN ORIGINAL APPLICATION NO.484/2021 BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 9.2.2022 Exhibit P3 TRUE COPY OF THE ORDER DATED 20.07.2023 IN O.A. 484/2021 OF THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

Exhibit P4 TRUE COPY OF THE OFFICE ORDER

NO.24/2021/ELEC (OP) DATED 15.6.2021 ISSUED BY THE 4TH RESPONDENT

Exhibit P5 TRUE COPY OF THE OFFICE ORDER

NO.01/2022/ELEC(OP) DATED 04.01.2022 ISSUED BY THE 4TH RESPONDENT Exhibit P6 TRUE COPY OF THE ORDER NO.E(NG)I-75-PM- 44 DATED 31.5.1982 ENLISTING SAFETY CATEGORIES UNDER THE RAILWAYS ISSUED BY THE 5TH RESPONDENT (RECEIVED UNDER RTI ACT)

Exhibit P7 TRUE COPY OF THE P.B. CIRCULAR NO.164/85, NO. P(A) 327/B/VOL. XV DATED Exhibit P8 TRUE COPY OF THE RELEVANT EXTRACT OF THE LETTER NO.E(NG)I/2019/TR/10 DATED 17.8.2023 ISSUED BY THE

5TH RESPONDENT Exhibit P9 TRUE COPY OF THE ORDER NO.E (NG)I-2021/TR/2 DATED 15/06/2022 ISSUED BY THE 5TH RESPONDENT Exhibit P10 TRUE COPY OF THE LETTER E. OFFICE. FILE NO104993/2020 DATED 30/01/2024 ISSUED BY THE 4TH RESPONDENT Exhibit P11 TRUE COPY OF THE LETTER NO.P(S)694/PNM/T,M&E DATED 16/11/2023 ISSUED BY THE 2ND RESPONDENT

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