

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

M.A. No. 1265/2002 Cn
O.A. No. 1564/2002

New Delhi, this the 19th August, 2002.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S.A.T. RIZVI, MEMBER (A).

1. Shri Sudama Yadav s/o Shri Raj Mangal Yadav	G.I. Moulder Moulder under Chief Workshop Manager Signal Workshop Ghaziabad
3. Guraj Prasad s/o Shri Gorak Prasad	-do-
3. Ramesh Chand s/o Shri Ram Pratap	-do-
4. Uddai Singh s/o Shri Itwari Singh	-do-
5. Ram Bahadur s/o Shri Bhagwat Prasad	-do-
6. Narendra Kumar s/o Shri Ramji Lal	Gr.II Moulder
7. Bharat Singh s/o late Shri Mam Raj	Gr.I Moulder
8. Ram Sawalroy s/o late Shri Ram Tatiai	-do-
9. Poop Chand s/o late Shri. Dargari	
10. Shri Kanti Singh s/o Shri Pitambar Singh	Moulder -I under C.W.M. Signal Workshop Ghaziabad
11. Sukhram late Shri Banarasi	Moulder Gr.I
12. Shri Rau Singh s/o Shri Jai Pal Singh	-do-
13. Ram Daras ram s/o Shri KharGattu Ram	-do-
14. Shri Nath s/o Shri Hira Lal	-do-
15. Vishnu Dayal s/o Shri Shyam Lal	
16. Abdul Sharif s/o Shri Rashid Ahmed	Fiteler

17. Ram Achal
s/o Shri Pannu Cupaleman -III

18. Sh. Sant Ram
s/o Shri Pachu Lal Moulder Gr. II

19. Sh Sudama
s/o Shri Har Dass -do-

20. Hari Ram
s/o Shri Giani -do-

21. Shri Dinesh Kumar Bhatnagar
s/o V.K. Bhatnagar H/Kh

22. Shri Talewar Singh
s/o Shri Bhadev Singh Moulder

23. Rajesh Kumar
s/o late Sh Singha Ram Cuplaman

24. Pancham
s/o Shri Hubbi Lal Moulder

25. Ram Bodh
s/o Shri Uma Dutt Moulder

26. Anrudh Ram
s/o Shri Purmasi Ram ... Applicants
(By Advocate Shri B.S.Mainee)
versus

Union of India : Through

1. The General Manager
Northern Railway
Baroda House
New Delhi

2. The Divisional Railway Manager
Northern Railway
New Delhi

3. The Chief Workshop Manager
Signal Workshop
Northern Railway
Ghaziabad (U.P.)

... Respondents

ORDER (ORAL)

S.A.T.RIZVI, MEMBER (A) :-

MA No. 1265/2002 for joining together in a single OA is granted.

2. 26 applicants in this OA are working in the Foundry Section of Signal Workshop, Northern Railway, Ghaziabad in posts of Moulders, Petlers, Couplamen Sand Mill Operators etc. There are three grades in the post of Moulders, viz. Gr.III, Gr.II and Gr. I. Those holding the posts other than the posts of Moulders are promoted after a trade test in the post of Moulder Gr.III, Moulders Gr.III and thereafter considered for promotion as Gr.II and Gr.I in that order. There is a combined seniority list of these workers including Moulders. All the posts carry the same pay grade, Gr.III, Gr.II and Gr.I moudlers.

3. 7 vacancies, 3 in the post of Moulder Gr.II and 4 in the post of Moulder Gr.I arose and the same needed to be filled up by promoting Moulders Gr.III to the post of Moulder Gr.II. Similarly Moulder Gr.II needed to be promoted to the post of Moulder Gr.I. Consequently vacancies for the post of Moulder Gr.III were to be filled from amongst seniormost persons working as Couplamen and Petlers etc. Instead of making promotions as above, the official respondent has issued a notice on 4.5.2002 (Annexure A-1) revising the channel of promotion laying down that holders of posts of MM Carrier, Couplaman, Petler, Sand Mill Operator and Moulders will be eligible henceforth for promotion in their respective cadres. Accordingly higher grade posts of Moulders have been distributed amongst cognate trades.

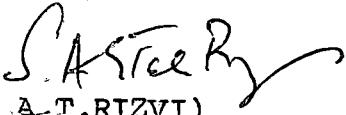
4. The learned counsel appearing on behalf of the applicants submits that by issuing the aforesaid notice, the respondents have taken away the promotional avenues available to the holders of the aforesaid posts. According to him, the vacancies in question arose before the aforesaid notice was issued on 4.5.2002 and, therefore, following the judgement of the Supreme Court in the case of Y.V. RANGIA (SLR 1983 (1) 789) the aforesaid vacancies ought to be filled by following the rules in force prior to

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4.5.2002. Since the respondents did not appear inclined to consider the promotion of the applicants by following the aforesaid rules, the applicants have filed a representation in the matter on 6.5.2002 (Annexure A-2) to which there has been no response.

5. Having considered the submissions made by the learned counsel and the aforesaid facts and circumstances, we are of the view that it will be just and fair to dispose of the present OA at this very stage even without issuing notices with a direction to the respondents to consider the aforesaid representation alongwith the contents of the present OA and to pass a reasoned and a speaking order in the matter expeditiously and in any case within a period of three months from the date of receipt of a copy of this order. We direct accordingly.

6. The OA is disposed of in the aforesated terms.


(S.A.T. RIZVI)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

/sns/