

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1640/2001

New Delhi, this the 27th day of September 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

Shri Kaushal Kishore,
Machinist H.S. Gr.II,
Office of Workshop Electrical Engineer,
Northern Railway,
Daya Basti,
Delhi.

... Applicant

(By Advocate: Shri B.S. Mainee)

V E R S U S

UNION OF INDIA
THROUGH:

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Chief Electrical Engineer,
Northern Railway,
Baroda House ,
New Delhi.
3. The Workshop Electrical Engineer,
Northern Railway,
Daya Basti,
New Delhi.

... Respondents

(By Advocate: Shri B.S. Jain)

ORDER (ORAL)

By Shri M.P. Singh:

By filing the present OA, the applicant has sought direction for quashing the impugned orders dated 1.12.1999 and 15.5.2001 passed by the Workshop Electrical Engineer, Northern Railway, Delhi and also sought further direction to the respondents to act in a rational, logical and legal manner before adversely affecting the seniority and career of the applicant.

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2. Brief facts of the present case are that the applicant was appointed as a Khalasi on 26.11.1979. Thereafter he was promoted as Machinist Grade-III on 28.12.1989 and further he was promoted as Highly Skilled Grade-II (in short 'HS Gr.-II') Machinist on 25.1.1994. The next higher post for promotion of the applicant is HS Gr.I Machinist. In the seniority list issued by the respondents on 8.3.1997 (Annexure A-3), the applicant had been shown at Sl. No.2 in the list of HS Gr.-II Machinists. In the aforesaid seniority list Shri Vijay Parkash Pandey had been shown at S.No.1. Shri Vijay Parkash Pandey was promoted to the post of Machinist Gr.-I on 20.6.1997. However, in the impugned seniority list dated 15.2.1999 (Annexure A-1), the applicant has been shown at Sl. No.3 in the seniority list of HS Gr.II Machinist. One Shri Ramu (HS Gr.II/Blacksmith) and one, Shri Gurmeet Singh, (HS Gr.II/Carpenter) who were not Machinists, have been shown at Sl. No.1 and 2 respectively in the seniority list of HS Gr.II Machinist and they have been shown seniors to the applicant depriving the claim of the applicant for promotion to the post of HS Gr.I Machinist from 31.7.2001. The applicant has submitted his representation dated 10.2.2001 to Respondent No.2 requesting him that his name should be put at proper place in the seniority list of Machinists Grade -II prepared after the merger of the cadres. The aforesaid representation of the applicant has, however, been rejected by the respondents vide letter dated 15.5.2001. He has, thus, filed the present OA seeking the aforesaid reliefs.



3. The respondents in their reply have stated that there were limited channels/ avenues of promotion, two recognised Unions of the employees, i.e., Uttar Railway Maaajdoor Union and Northern Railway Men's Union of the office of Respondent No.3 requested them that the cadres having single post and few posts may be merged so that there may be some avenues/ channels of promotion. Their request was considered and it was decided by the competent authority, i.e., Respondent No.1 to merge first nine cadres consisting of 13 posts into one cadre. Simultaneously, it was also decided to merge 5 posts of Sl. No.10 & 11 into ² another cadre. According to the respondents, the post of MCM belongs to the Carpenter cadre. If the cadre of Carpenter is not merged with the Machine Section, there would not be any post to which the applicant can be promoted. The post of MCM has come into existence only after merger of the cadres. It is further stated by the respondents that Shri Ramu and Shri Gurmeet Singh have been shown senior to the applicant. their dates of appointment and dates of promotion are as under:-

Name & Desig.	D.O.B	DOP	DOP	DOP
1. Sh. Ramu HS/Blacksmith	9.9.73	1.8.78	13.6.84	12.6.86
2. Sh. Gurmeet Singh HS/Carpenter	1.12.73	1.8.78	1.1.87	1.12.93
3. Kaushal Kishore (applicant) HS/Machinist	26.11.79	23.6.83	28.12.89	25.1.94

From the above position, it would be observed that the seniority of the applicant has been fixed correctly as he is junior to both, namely, Shri Ramu and Shri Gurmeet



Singh who were appointed and promoted earlier to the applicant. Thus, the OA is not maintainable and the same is liable to be dismissed.

4. Heard both the learned counsel for the rival contesting parties and perused the records.

5. During the course of the arguments, learned counsel for the applicant stated that respondents have merged first nine cadres into one single cadre and have issued a seniority list consisting of 13 staff. Moreover, the cadres at Sl.No.10 and 11 have both been merged in the cadre of Machinist although these could be merged with cadre of Testing Section which comprises of only 10 persons. According to him, the aforesaid merger of 5 posts of MCM with 13 posts of Blacksmith and Hammerman is not justifiable. After merger of aforesaid 5 posts with 13 posts, the total sanction strength has increased to 18 posts. It is adversely affecting the promotional avenues of the applicant.

6. On the other hand, learned counsel for the respondents stated that the aforesaid merger is a policy decision which has been taken in order to increase the promotional avenues of the staff after taking into consideration the request of Uttar Railway Maajdoor Union and Northern Railway Men's Union.

7. After perusing the aforesaid records, we find that the merger of the cadres into a single cadre is a policy matter. The Govt. is competent to take any policy




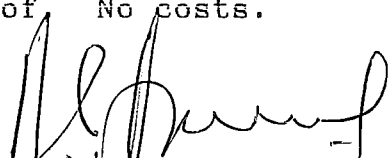
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decision unless it runs contrary to the provisions of the Constitution. In the present case, we do not find that the decision taken by the respondents to merge small cadres into a single cadre is against law/rules and instructions. In fact, it is with a view to provide better promotional avenues to the employees. Therefore, there are no grounds to interfere with the impugned orders dated 1.12.1999 and 15.5.2001.

8. In view of the above position, we do not find any merit in the present OA. The present OA is devoid of merit and the same is, accordingly, dismissed.

9. MA No.1972/2001 stands disposed of. No costs.


(M.P. SINGH)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

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