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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 1419 of 1995

New Delhi this the 8th day of May, 1996

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Shri Man Singh
R/O C/o Shri Ram Gopal, Ambedkar Colony,
P.O. Narangabad,
Aligarh (U.P).
2. M.M. Kush
R/O Q.No.708 Railway Colony,
Sukhabad (U.P). ..Applicants

By Advocate Shri V.P. Sharma

Versus

1. Union of India through the General
Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad (U.P).
3. The Sr. Divisional Traffic Manager,
Northern Railway,
Allahabad (U.P). ..Respondents

By Advocate Shri Rajesh

ORDER

Hon'ble Mr. K. Muthukumar

The applicants, who are two in number, have a common cause of action and have joined in a single application which has been allowed.

2. The applicants are Traffic Inspectors in the grade Rs.2000-3200. In the selection to the post of Station Superintendents and Traffic Inspectors for which a common selection was held in 1988, the applicants were asked to exercise
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their option for the promotion either as Station Superintendent or Traffic Inspector" and it was specified that the option once exercised would be final. It is averred by the applicants that the separate select lists were prepared for Station Superintendent and Traffic Inspectors respectively and on the basis of the option exercised by the applicants, they were appointed as Traffic Inspectors in the grade of Rs.2000-3200 from the panel of Traffic Inspectors. The applicants are aggrieved that by the impugned order dated 17.7.1995, the respondents have transferred the applicants to the post of Station Superintendent in the same grade without assigning any reason. The applicants allege that the said transfer has been made in an arbitrary manner and by transfer to another cadre, the respondents have effected this transfer in an illegal manner and the transfer was not according to the procedure prescribed in the Railway Manual when the applicants have not opted for that post. On this ground, the applicants have approached this Tribunal for quashing this order of transfer. By an interim order passed by the Tribunal, the respondents were restrained from giving effect to this order.

3. The applicants' contention is that once they are appointed to the post of Traffic Inspector by a duly constituted DPC after obtaining their option for appointment in the cadre of Traffic Inspectors, the respondents cannot transfer them to another cadre of Station Supterintendents. The

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applicants allege that the channel of promotion to the post of Station Superintendent is different from that of Traffic Inspector and it was only on the basis of the option called for from them, at the time of selection, the applicants were placed in the panel of appointment as Traffic Inspectors and once such an option is accepted and acted upon by the respondents, their appointments as Traffic Inspector becomes final and the respondents cannot transfer the applicants to another cadre of Station Superintendent because the channel of promotion is different.

4. The respondents have strongly denied the contention of the applicants and maintain that selection for the post of Station Superintendent/Traffic Inspector/Chief Yard Master is conducted on a combined basis and further selection to the grade of Rs.2300-3500 is also done on the basis of the combined seniority list of Station Superintendent/Traffic Inspector/Chief Yard Master in the grade of Rs.2000-3200. The respondents have also averred that selection for the post of Station Superintendent to Traffic Inspector in the grade of Rs.2000-3200 in 1988, was on a combined basis and as per the instructions, the staff empanelled for above promotion can be utilised on any post in exigencies of service. It is also averred that for the promotion to the next higher grade, i.e., Rs.2375-3500, the combined seniority list of SS/TI/CYM is to be taken into account and, therefore, the staff after promotion can be posted

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on any post available at the time of promotion. The respondents have also referred to the option exercised by applicant No.2 to the post of Station Superintendent although this has been denied by the applicant. In the light of this, the order of transfer of the applicants from the post of Traffic Inspectors to the Station Superintendent which has been done in exigencies of service and in administrative interest particularly when the services can be utilised in any of the posts of Station Superintendent/ Traffic Inspector/Chief Yard Master, cannot be said to be arbitrary or illegal and, therefore, the respondents maintain that this application has no merit and deserves to be dismissed.

5. The applicants case is that they have been put in separate panel of Traffic Inspectors on promotion in the grade of Rs.2000-3200 by the selection held in 1988 on the basis of their option. The learned counsel for the applicant strongly relies on the decision in Sudarshan Singh & Others Vs. The Government of India and Others, 1980(3) SLR page 199 (Punjab & Haryana) to stress the point that once the selection has been made on a given option, the appointment should be on the basis of that option. He also relies on the decision of the Chandigarh Bench in Gurnam Singh Vs. Union of India, 1993 (2) SLR page 167 to stress the point that the transfer to another cadre would be invalid. The respondents on the other hand rely on the decision in Union of India Vs. S.L. Abbas, AIR 1992 SC 244, to contend that

posting on the basis of certain option or any other guideline cannot be said to have statutory force and, therefore, transfers made in exigencies of service cannot be interfered with and will be beyond the jurisdiction of the Tribunal.

6. I have heard the learned counsel for the parties and have perused the record carefully.

7. It is an admitted position that the applicants were considered for selection as Traffic Inspectors in the grade of Rs.2000-3200 in 1988 on the basis of common selection. In the chart giving the channel of promotion of various categories annexed by the respondents, it is seen that the Traffic Inspectors in the grade of Rs.550-750 (revised scale Rs.1600-2660) and Station Superintendent in the grade of Rs.450-700 (revised scale of Rs.1400-2300), are eligible for promotion as Station Superintendent in the grade of Rs.550-750 or Rs.700-900 and similarly the Station Master and Yard Masters are also eligible for promotion as Traffic Inspectors. It is also provided that the post of Traffic Inspectors and the Station Superintendents are selected by option. It is, however, provided in the office Circular letter dated 22.2.1988 (Annexure AI) that the combined selection for the post of Station Superintendent/Traffic Inspector/Chief Yard Master ^(SS/TI/CYM for short) in the grade of Rs.2000-3200 should be held by clubbing the vacancies on the basis of the combined seniority of Station Masters, Traffic Inspectors and Yard Master in the grade of Rs.1600-2660. From this, it would appear that for

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promotion to the post of Station Superintendent or Traffic Inspector or Chief Yard Master, the selection is made on the basis of the combined seniority list in all of the three categories in the lower grade of Rs.1600-2660. There is nothing to suggest in the scheme that the posts of Station Superintendent and Traffic Inspectors of the the Traffic Department of the Railways are of separate and distinct cadres, with the distinct channel of promotion. If that be so, the question of making selection to the post of SS/TI/CY¹ on the basis of the combined seniority list of SM/TI/YM in the lower grade would not arise. If they are separate cadres, separate categorywise seniority would be followed for promotion and not a combined seniority to fill the categories of posts. From this, it would appear that there is a facility of transfer from one category to another from this common cadre on the basis of requirement of job at a particular time or occurrence of vacancies in these posts. The promotion scheme provides for eligiblity for promotion of Traffic Inspectors as Station Superintendents by option and Station Master in the grade of Rs.550-750 (Rs.2000-3200) as Traffic Inspectors by option. The option provided in the scehme, does not specifically debar the respondent from interchanging the personnel from Station Superintendents to Traffic Inspectors and vice versa.

8. In regard to the decisions relied upon by the learned counsel for the applicant it is seen

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that in the case of Sudershan Singh (Supra) the facts are not parimateria with the present case. In that case, the petitioner had given option earlier for the post of Guard 'C' and it was held that he could not be allowed to change his position to the detriment of the others whereas in the present case, however, the question is about the channel of promotion and the interchangability of the post which are drawn from the combined seniority list. In regard to the other case, namely, Gurnam Singh (Supra), the decision in this case is also not of any help. Admittedly, in this case, the Station Superintendents/Traffic Inspectors and Chief Yard Masterrs form a combined cadre in terms of the promotion scheme.

9. From the foregoing, it is amply clear that there is no vested right for the applicants to be posted only as Traffic Inspectors although their eligibility for appointment ^{and initial posting} as Traffic Inspectors ^{have} might ^{been} considered on the basis of the option exercised by them.

10. In the light of the foregoing, the application has no merit and it is accordingly dismissed. There shall be no order as to costs.

(K. MUTHUKUMAR)
MEMBER (A)

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