

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.917/95

Hon'ble Shri R.K.AHOJA, MEMBER(A)
Hon'ble Shri SYED KHALID IDRIS NAQVI, MEMBER(J)

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New Delhi, this the 30th day of August, 1999

1. Shri Onkar Nath
s/o Shri Kedar Nath
Mason under IOW,
Northern Railway
Paharganj
NEW DELHI .
2. Devid
s/o Soni, Mason
3. Sohan Lal s/o Anand Ram
Mason.
4. Shri Kailash s/o Sh. Ram Saran
White Washer
5. Shankar s/o Sh. Ram Chani
White Washer
6. Nanak Chand s/o Natthu Ram
White Washer
7. Gian Chand s/o Tulsi Das
Painter
8. Jagroop s/o Jagan Nath
Painter.

... Applicants

(All are working under IOW, Northern Rly., Paharganj, New Delhi).

(By Shri B.S.Mainee, Advocate)

Vs.

1. The General Manager
Northern Rly. Baroda House
New Delhi.
2. The Divl. Rly. Manager
Northern Railway
State Entry Road
New Delhi.
3. Asstt. Engineer (Estates)
Northern Rly. D. R. M. Office
State Entry Road
NEW DELHI.

... Respondents

(By Shri P.S.Mahendru, Advocate)

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O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

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The applicants, eight in number, are aggrieved that they have not been given the benefit of the orders of the Northern Railway dated Nil, Annexure A1 to A3 whereby certain Artisan Staff in Engineering Department against TLA have been upgraded. The applicants submit that they are working as Artisan Gr.III, Painters, Blacksmith, etc. under Assistant Engineer (Estates) in the Delhi Division. The seniority of Artisan (Highly Skilled) Gr.III is maintained on division basis. They say that while Artisan Gr.III, in the pay scale of Rs.950-1500, have been promoted by other Assistant Engineers as Artisan Gr.II vide notice dated 14.5.1991, Annexure-A2, their claims have been ignored even though they are senior to the persons mentioned in that notice.

2. The respondents have, in their reply, stated that the applicants have been working as Gr.III Artisans on ad hoc basis against the TLA posts. According to the respondents, they are not covered by the provisions of Northern Railway's order, Annexure-A1 which is applicable only to those regularly working in the respective grades.

3. We have heard the counsel on either side. The learned counsel for the applicant has drawn our attention to Annexure-1 to the rejoinder, which is a Seniority List of Painters working in Engineering Department in the grade of Rs.950-1500 (RPS). This seniority list has been issued on 11.2.1994. The names of applicant No.7 and 8, who are painters, have

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been shown at Sl. No.12 and 13 respectively as having been promoted to Gr. Rs.950-1500 from 15.7.1981. He has also produced a similar seniority list dated 24.1.1994 in regard to the Masons working in the Engineer Department. The names of applicant No.1, 2 and 3 shown at Sl. No.35, 50 and 48 respectively with its remarks that they were promoted to the scale of Rs.950-1500 w.e.f. 15.7.1981, 6.11.1982 and 17.8.1982 respectively. The names of their juniors are at Sl. No.54, 55 and 56, who were promoted on March, 1983 and whose names have been included in the notice, Annexure-A2 for promotion to Gr.II.

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4. ~~We have heard the request on either side~~

The lists, to which our attention has been drawn, clearly shows that some of the applicants who are Painters and Masons have been included in the seniority list and shown to be promoted in 1981. On the other hand, some of the Artisan Gr.III included in the Respondents' notice, Annexure-A2 have been promoted to Gr.III after the applicants.

5. In view of the above position, the contention of the respondents that applicants are not eligible to be considered because they were promoted to Gr.III on temporary and ad hoc basis against the TLA posts cannot be sustained. The names of the juniors appearing at Sl. No.54 and 55 in the Masons' Seniority List dated 24.1.1994, are also included in the notice, Annexure-A2. Thus it clearly shows that there is no difference regarding the status of the

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applicants and some of those have already been promoted to Gr.II as a result of restructuring of the cadre in Northern Railway.

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6. In the result, the OA is allowed. The respondents are directed to consider the applicants for promotion to Gr.II as per their seniority and if they have passed the requisite trade test, to grant them promotion w.e.f. the same date their juniors have been promoted with all consequential benefits. This will be done within a period of four months from the date of receipt of a copy of this order. No orders as to costs.

Syed Khalid Idris Naqvi
(SYED KHALID IDRIS NAQVI)
MEMBER(J)

R.K. Ahuja
(R.K. AHUJA)
MEMBER(A)

/RAO/