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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.487/1996

New Delhi: this the 3rd day of June, 1997.

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J).

Mrs. Anita Agarwal,
D/o Shri K. R. Agarwal,
Console Sup dt.,
PRS Office,
Central Reservation Office,
IRCA Building,
State Entry Road,
New Delhi.

Residential Address:

1/18, Railway quarter,
Kishan Ganj Railway Colony,
Delhi - 110 007

..... Applicant.

(By Advocate: Shri G. D. Bhandari)

Versus

UNION OF INDIA through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Chief Commercial Manager (CR),
Passenger Reservation System,
Central Reservation Office,
IRCA Bldg., State Entry Road,
New Delhi

..... Respondents.

(By Advocate: Shri Rajeev Sharma)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Applicant prays for quashing of respondents' orders dated 10.1.96 item 1 (Annexure-A14) whereby she has been shown as having been empanelled in Grade 1600-2660, and seeks a direction to respondents to deem her as having been empanelled in Grade 2375-3500, and to pay her the salary of the post of Console Superintendent w.e.f. 3.8.92 till date with ancillary allowances and interest @ 18% p.a.

2. Applicant joined service as Enquiry Reception Clerk (ERC) in Grade of Rs.1200-2040 and was promoted as Head ERC (Rs.1400-2300) w.e.f. 1.1.84. Consequently to the introduction of Computerisation of Reservation in New Delhi, by letter dated 3.1.85 (Annexure-A2) respondents invited applications from experienced staff in category of Sr. Console Operators; Console Operators etc. As the Computerisation project was new, in a meeting dated 7.11.90 (copy of minutes taken on record) it was decided that entry to post of Console Operators (Rs.1600-2660) would be through selection from ERCs in grade of Rs.1400-2300/1600-2660. Accordingly applications were invited vide letter dated 20.12.90, in response to which applicant submitted her option on 12.1.91 (copy taken on record). All those applying were asked to report for the aptitude test to be held on 7.5.91. Applicant appeared for that aptitude test for the post of Console Operator (Rs.1600-2660) and was declared to have passed it in the grade vide letter dated 21.5.91 (copy taken on record). Applicant gave the required undertaking to work on shift duty as Console Operator (Rs.1600-2660) including night shift on 19.7.91.

3. By respondents' order dated 3.8.92 (Annexure-A3) she was directed to work in Console and by subsequent order dated October, 1992 (Annexure-A5) applicant was directed to lookafter the work of Console Superintendent temporarily till a final decision was taken regarding regularisation of Console Staff. That order also stated that applicant would be responsible for proper work of Console, including roster of Console Staff and paying proper attention to various problems reported by different location and also action to be taken at the time of failure as

Console Superintendent. Admittedly applicant is continuing as such on the strength of the interim order dated 7.3.96 passed in this OA.

4. We have heard Shri Bhandari for applicant and Shri Sharma for respondents. We have perused the materials on record and given the matter our careful consideration.

5. It is clear that respondents' letter dated 20.12.90 invited applications from ERC in scale of Rs.1400-2300 and Rs.1600-2660 to fill up vacancies of Console Operator in grade Rs.1600-2660. This was further made clear in respondents' letter dated 26.4.91 and applicant in her application dated 12.1.91 with specific reference to respondents' letter dated 20.12.90 submitted her biodata for appointment as Console Operator (Rs.1600-2660). At that point of time applicant was in scale of Rs.1400-2300 as ERC. Meanwhile applicant / in her own cadre of ERC had been promoted in scale of Rs.1600-2660, who has by impugned order dated 10.1.96 been promoted as Console Operator in scale of Rs.1600-2660.

6. Shri Bhandari has argued that as applicant already stood promoted as ERC in scale of Rs.1600-2660, there could be no meaning in promoting applicant as Console Operator in the same scale of Rs.1600-2660 as her promotion could be only in a higher scale. We are unable to accept this line of reasoning. Applicant knew fully well that she was being appointed as Console Operator (Rs.1600-2660). At that point of time she was in the scale of Rs.1400-2300. Later she was promoted in her own cadre of ERC into the scale of Rs.1600-2660, but this cannot be construed to mean that her initial appointment in the Console Project was in anything other than as Console Operator (Rs.1600-2660). All

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has happened by impugned notice dated 10.1.96 is that applicant now stands regularised as Console Operator (Rs.1600-2660), and her claim that this notice must be deemed to be understood to mean that she has been empanelled in the grade of Rs.2375-3500 is wholly without merit.

7. In this connection, it is also important to notice that between the levels of Console Operator (Rs.1600-2660) and Console Superintendent (Rs.2375-3500) is the level of Sr. Console Operator (Rs.2000-3200). As per recruitment instructions drawn up by respondents and contained in correspondence resting with Northern Railway's letter dated 8.5.96, Staff working on regular basis in Grade Rs.2000-3200 or with 2 years regular service in grade Rs.1600-2660 are eligible to become Sr. Console Operators (Rs.2000-3200) while staff working on regular basis in grade Rs.2000-3200 with 2 years service in that grade are eligible for appointment as Console Superintendent. Applicant does not fulfill the eligibility conditions prescribed for the post of Console Superintendent.

8. Under the circumstance, the impugned notice dated 10.1.96 warrants no interference, and applicant's prayer to deem her as having been empanelled in the grade of Rs.2375-3500 cannot be acceded to. Respondents cannot however deny that by their own order of October, 1992, applicant was called upon to look after the work of Console Superintendent on temporary basis till a final decision was taken regarding regularization of Console Staff. This order also stated that she could be responsible for proper work of Console including roster of Console Staff and paying proper attention to

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various problems that may be arisen. That arrangement continued until 7.3.96 and has been extended thereafter by virtue of the interim order of said date. According to respondents' own submissions the post of Console Superintendent (Rs. 2375-3500) involves higher duties and responsibilities than that of Console Operator (Rs. 1600-2660) against which applicant joined the Computerisation Project. Applicant has contended that under similar circumstance, some others have been paid full salary for the higher post held. Respondents' counsel has stated that in one case where this was erroneously allowed, responsibility is being fixed. Be that as it may, there is little doubt that applicant has looked after the duties of the higher post of Console Superintendent even since October, 1992 till date i.e. for over 4½ years which is by no means a short or temporary period. Under the circumstance, how applicant is to be justly and fairly compensated for the same, by way of special addl. pay, or honorarium, or charge allowance is something we leave to respondents to apply their minds to, in accordance with rules and direct them to pass a detailed, speaking and reasoned order thereon within 2 months from the date of receipt of a copy of this judgment.

9. This OA is disposed of in terms of para 2 above. No costs.

A Vedavalli
(DR.A.VEDAVALLI)
MEMBER(J).

R.J. Raju
(S.R. RAJU)
MEMBER(A).