

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench
O.A. No. 128 of 1997

(57)

New Delhi, dated this the 16th AUGUST 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri Virender Mohan,
R/o 305/1, Railway Colony
Shakurbasti,
Delhi.
2. Shri Dalip Singh
S/o late Shri Man Singh
3. Shri Gopal Singh,
S/o Shri Shiv Singh
4. Shri Dwarka Parshad,
S/o late Shri Bal Chand,
5. Shri Raj Kumar,
S/o Shri Balli Singh
6. Shri Ram Chander,
S/o Shri Bhaggan
7. Shri Narinder Kumar,
S/o Shri Om Parkash
8. Shri Anil Kumar,
S/o Shri Gouri Shankar Sharma .. Applicants

(By Advocate: Shri G.D. Bhandari)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
New Delhi.

Respondents

(BY Advocate: Shri Rajinder Khattar)
ORDER

MR. S.R. ADIGE, VC (A)

Applicants impugn respondents' letter dated 7.1.97 (Annexure A-1) excluding them from selection test for promotion as JODC, Fuel Issuer etc. against 40% promotee quota.

2. Heard both sides.

3. Initially by letter dated 15.11.96 (Annexure A-3) applicants, who are diesel khallasis working in Diesel

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Shed, Shakurbasti, Delhi had been included amongst those who were called to appear for the selection test for promotion as JODC etc., but by subsequent impugned letter dated 7.1.97 their names were dropped.

4. Respondents contend that as applicants being diesel khallasis (Rs.750-940 RPS) have their own channel of promotion as Mechanical Khallasis Helper (Rs.800-1150); Mechanical Fitter (Diesel) Grade III; Grade II; Grade I; MCM Chargeman 'B' and Chargeman 'A' (Annexure R-1); they are not eligible for promotion in clerical grades of JODC, Fuel Issuer etc. selection for which were being held vide impugned letter dated 7.1.97.

5. There is merit in the contention of respondents. Sri Bhandari has laid stress on Para 184 IREM Vol. I (Annexure A-4) but that paragraph merely states that every unskilled staff in running sheds and carriage and wagon depot should be made available for promotion to higher grade like semi-skilled/basic tradesman..... and there need be no subgrouping with the respective branches. From that para it does not follow that applicants, who are admittedly in artisan (technical) grade of diesel khallasis, are entitled for promotion in clerical cadre of JODC, Fuel Issuer etc. when they have their own channel of promotion. Indeed the vacancies sought to be filled by impugned letter dated 7.1.97 is through promotion of those who do not have any other channel of promotion, as is clear from Para 189 IREM Vol. I (Annexure A-4).

6. This view is supported by General Manager (p) Northern Railways' letter dated 17.8.90 (Annexure R-II) from which it is clear that Diesel khallasis are to be promoted as Fitter khallasis helper (Rs.800-1150) and then further promoted as Skilled Fitter (loco) (Rs.950-1500) and they are not be promoted in the clerical side as JODC, Fuel issuer etc.

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7. Indeed applicant No.1 Shri Virender Mohan in his representation addressed to respondents (copy with English translation on record) has himself requested for change in post from crane khallasi to store khallasi or Fuel khallasi to appear in the test for departmental clerks, which makes it clear that he was aware that khallasis in artisan grade such as crane khallasis, diesel khallasis etc. who have their own channel of promotion are not eligible to be considered for promotion in clerical grade.

8. Shri Bhandari during hearing handed over across the Bar a copy of Railway Board's letter dated 16.5.97 reviewing the designation of certain categories of artisan staff, but the aforesaid letter does not advance applicant's claims for promotion against clerical cadres.

9. In this connection, he also urged that respondents earlier letter dated 15.11.96 had given applicants a vested right to be considered and before they were excluded from the selection process, a show cause notice should have been issued to them. We are unable to agree with this contention. It is true that applicants' names were initially included by letter dated 15.11.96 to appear in the selection test, but if upon subsequent examination, it was brought to respondents' notice that they, having their separate and distinct channel of promotion, were ineligible for promotion to clerical cadres, and by impugned letter dated 9.1.97 their names were dropped from the list of those called to appear, no prior show cause notice was required to be issued.

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to them, as the mere inclusion in the list of those to be called to appear in the written test, did not by itself create any vested right in their favour?

10. In this connection we note that pursuant to the written test held, those who had qualified in the same were called for the viva-voce test vide respondents' letter dated 5.1.2000 (copy on record) and respondents' counsel informed us during hearing that the selections had since been completed.

11. In the facts and circumstances noticed above, the O.A. warrants no interference. It is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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