

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

(27)

O.A.No.2148/94

New Delhi: this the 28<sup>th</sup> day of July, 1998.  
HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Sudarshan Kumar Sharma,  
S/o Shri Kulbhushan Sharma,  
Head Travelling Ticket Examiner,  
Northern Railway,  
Ferozepur .....Applicant.

(By Advocate: Shri B.S.Mainee)

Versus

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

2. The Divisional Railway Manager,  
Northern Railway,  
Ferozepur Cantt.

3. Shri Ashok Kumar,  
4. Sh.Parvesh Chander.  
5. Sh. Surjit Singh

6. Sh. Chander Mohan.

7. Gurdeep Singh

8. Dewan Chand

9. Ram Kumar,  
all working as JIT  
through DRM, Northern Railway,  
Ferozepur Cantt.

..... Respondents.

(By Advocate: Shri P.S.Mahendru)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 27.7.93 (Annexure-A1) and dated 12.6.94 (Annexure-A2) and seeks promotion as JIT (Rs.1660-2660) w.e.f. 1.3.93 or from the date his juniors were promoted with consequential benefits.

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2. Admittedly applicant was appointed as ASM (Rs.1200-2040) on 30.4.80 and was promoted to the next higher grade of Rs.1400-2300 on 20.6.88. Upon being declared psychologically unsuitable for the post of ASM in one of the periodical medical exams, he was absorbed as Head Ticket Collector (Rs.1400-2300) against a vacancy with the same pay and allowances he was drawing as ASM vide respondents' order dated 12.4.93 ( Annexure-A3). It is not denied that consequent to his absorption as Head Ticket Collector w.e.f. 12.4.93 he was granted the benefit of service put in by him as ASM and was placed above all Head Ticket Collectors working in that Division and on occurrence of the first vacancy of Head Travelling Ticket Examiner (also Rs.1400-2300), he was also promoted to the said post. Applicant however contends that his absorption vide respondents' order dated 12.4.93 was actually against a vacancy of Head Travelling Ticket Examiner, and by virtue of having worked in the grade of Rs.1400-2300 from 20.6.88 was one of the seniormost in the Ticket Checking Cadre and should therefore have been promoted to the next higher grade of Jr. Inspector Tickets (Rs.1600-2600) when his juniors were promoted against vacancies which became available through restructuring.

3. Respondents in their reply have challenged the OA. They state that the Selection Committee recommended applicant's name only for the post of

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HTC (Rs.1400-2300) and not for the post of HTTE (Rs.1400-2300). Under the circumstance he was not entitled to seniority as HTTE, since he was absorbed only as HTC and all those who had already been promoted as HTTEs before applicant's absorption in Ticket Checking Cadre, cannot be considered junior to applicant. Respondents state that only Seniormost HTTEs i.e. those working as HTTEs in Ticket Checking cadre on 28.2.93 were due for promotion as JIT of 1.3.93 against upgraded posts and when restructuring orders were implemented in June, 1994 applicant was the juniormost HTTE as he was absorbed as HTC on 12.4.93 and was promoted as HTTE on 27.7.93.

4. We have heard applicant's counsel Shri Mainee and respondents' counsel Shri Mahendru. We have also perused the materials on record and given the matter our careful consideration.

5. In the rejoinder it has been emphasised that the cadre of Head Ticket Collectors and Head Travelling Ticket Examiner both in the scale of Rs.1400-2300, is a common one, with a common seniority list, but for convenience sake respondents designate the Head Ticket Collectors as Head Travelling Ticket Examiners, while the cadre may well be a common one and both HTC, as well as HTTEs may well be in the same pay scale of Rs.1400-2300, there cannot be any doubt that posts of HTCs are different from posts of HTTEs. Unlike HTCs, HTTEs travel on the trains and are entitled to certain benefits not admissible to HTCs and it is the seniormost HTCs who are promoted and posted as HTTEs.

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6. Applicant no doubt brought his seniority with him as ASM, but to the post of HTC which he joined pursuant to the notice dated 12.4.93, and not to the post of HTTE. He was appointed to the post of HTC which he accepted, and not against the post of HTTE. There is nothing in the notice dated 12.4.93 (Annexure-A3) to establish that applicant was absorbed as a Head Ticket Collector against a vacancy of Head Travelling Ticket Examiner (emphasis supplied). The order reads thus "Shri Sudarshan Kumar S/o Shri Kulbhushan ASM grade Rs.1400-2300 ..... is now absorbed as HTCL and posted at the (blank)against the vacancy of (blank) grade Rs.1400-2300....." From this it cannot be concluded that applicant was absorbed as HTC against a vacancy of HTTE.

7. Furthermore to get the benefit of promotion as JIT on the basis of the upgradation of posts w.e.f. 28.2.93 applicant should have been a member of the Ticket Checking Cadre on that date, but applicant joined the Ticket Checking Cadre only pursuant to the Notice dated 12.4.93 and hence was not a member of that cadre on 1.3.93 to derive benefit from the upgradation.

8. For these reasons, we find ourselves unable to grant the relief prayed for the applicant. The OA is dismissed. No costs.

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

*Infra*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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