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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No. 1682/94.

New Delhi: this the 23rd day of Dec, 1996

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

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

Shri Tapan Kumar Das,
S/o Late Shri S.C.Das,
Sr. Typist,
under General Secretary,
Indian Railways Conference Association,
Chelmsford Road,
New Delhi &

3 others as per memo of parties
(By Advocate Shri B.S.Maini).

..... Applicants.

Versus

Union of India through

1. The Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway (being President of IRCA)
Baroda House,
New Delhi.
3. The General Secretary,
Indian Railway Conference Association,
Chelmsford Road,
New Delhi

..... Respondents.

JUDGMENT

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

The applicants seek implementation of the Scheme restructuring in respect of their cadre on the basis of sanctioned strength as on 1.3.93 as per Railway Board's Notification dated 21.1.93 with all consequential benefits.

2. The applicants are working as Typists under Railway General Secretary Indian Conference Association (IRCA)

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New Delhi. As per Respondents' letter dated 27.1.93 (Annexure-A2) the restructuring of cadres was to be with regard to the sanctioned strength on 1.3.93. The position in respect of the Typists cadre in IRCA as would appear from the statement at Annexure-A3 as follows:

<u>BEFORE RE-STRUCTURING</u>	<u>AFTER RE-STRUCTURING</u>
Typist (950-1500) 2	1
Sr. Typist(1200-2040) 3	2
Head Typist	
(1400-2300) 1	2
Chief Typist (1600-2660) 1	1
Sup dt. (Type) (2000-3200) Nil.	1

3. However, as per respondents' earlier letter dated 17.7.92 the vacancies of typists in lowest cadre stood added into clerical cadre in the corresponding grade. The respondents contend that three posts of typists cadre accordingly stood transferred to clerical cadre, and thus the revised sanctioned strength of Typists has come down to 4 which was actually the working strength since 31.10.90 and hence no more posts are available to the applicants.

4. The applicants themselves are 4 in number, and the fact that their working strength is 4 as contended by respondents in para 4.9 of their reply is also not denied by them in their rejoinder.

5. On 21.7.95 we had directed the respondents to make available

i) the date on which these 3 posts of Typists were transferred to Clerical Cadre and the letter by which these posts were transferred

ii) whether these 3 posts transferred to Clerical cadre were filled up and if so, when and by which order; and

iii) whether these 3 transferred posts were taken into consideration when restructuring clerical cadre.

6. Respondents have filed an additional affidavit on 25.7.95 to the effect that 3 posts of Typists were merged with Clerical Cadre in accordance with letter dated 17.7.92 in consequence of which they were filled up in the Clerical Cadre, raising its sanctioned strength from 98 to 101. Other details called for have however not been furnished despite repeated opportunities.

7. Applicants have however filed an addl affidavit on 9.10.95 along with a statement of the strength of the clerical Cadre on 1.3.93 showing the same to be 98 and it is contended that the strength of the cadre after restructuring is also 98 , and not 101 as contended by respondents. It is stated that the aforesaid exercise of transferring 3 posts of Typists to Clerical Cadre appears to have been done after the cut off date of restructuring i.e. 1.3.93 and as such the applicants are entitled to the benefits of upgradation of the said 3 posts.

8. We have considered the matter carefully. Manifestly in terms of respondents' letter dated 17.7.92, vacancies of typists in lowest cadre had to be added to corresponding grade of clerical cadre. As this letter was effective from 17.7.92, the sanctioned strength of typists cadre on 1.3.93 could be arrived at

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only after deleting the vacancies in lowest cadre, and it was on that basis that there were only 4 posts of typists in IRCA on 1.3.93 which also corresponds to their working strength. Even if the 3 posts were not accounted for in Clerical Cadre while restructuring for any reason, that does not mean that they are available for inclusion in Typists Cadre in view of the contents of respondents letter dated 17.7.92 which was effective from that date, and Railway Board's own instructions on restructuring w.e.f. 1.3.93 that the same has to be done on the basis of sanctioned strength. This also corresponds with the factual position that the working strength of the Typists in IRCA is itself only 4.

9. Under the circumstance no interference in this matter is called for. The OA is dismissed. No costs.

Dr. A. Vedavalli
(DR.A. VEDAVALLI)

MEMBER(J)

S. R. Adige
(S.R. ADIGE)

MEMBER(A).

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