

Central Administrative Tribunal  
Principal Bench

O.A. No. 615 of 2000

New Delhi, dated this the 10<sup>th</sup> October, 2001

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

S/Shri

1. Inder Mohan Sahni,  
S/o Shri G.L. Sahni  
Sr. Divl. Electrical Engineer,  
DRM's office,  
Northern Railway,  
State Entry Road, New Delhi.
2. Ravi Lal Sharma,  
S/o Shri Harri Prasad
3. Jasbir Singh,  
S/o Shri S. Pritam Singh
4. Prem Narayan Gaur,  
S/o Shri Ram Chandra Sharma
5. Nirmal Singh,  
S/o Shri Gurbachan Singh
6. Raj Singh,  
S/o Shri Bhim Singh. .... Applicants

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The Secretary,  
Ministry of Railways,  
Railway Board,  
Raisina Road, New Delhi.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. The Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.
4. Shri Prem Dass
5. Shri Ram Sewak
6. Shri Basant Ram
7. Shri Vijay Kumar
8. Shri Dilbagh Ram

- 9. Shri Satish Kumar
- 10. Shri Khem Chand
- 11. Shri Kulbhushan
- 12. Shri Shyam Kumar
- 13. Shri Alam Singh
- 14. Shri Sagar Chand
- 15. Shri Santosh Kumar
- 16. Shri Vijay Singh
- 17. Shri Sudh Ram Araos
- 18. Shri Sunder Lal
- 19. Shri Dushyant Singh
- 20. Shri Shashi Bhushan Pant
- 21. Shri Chand Ram Sharma

(All Junior Engineers Grade I  
Elect. .... Respondents

(By Advocate: Shri Rajinder Khatter  
Shri S.D. Raturi for pvt. respondents)

ORDER

S.R. ADIGE, VC (A)

Applicants impugn orders dated 27.7.98 (Ann. A-1) and dated 24.4.99 (Ann. A-2). They challenge the placement of Respondents 4 to 21 as senior to themselves, and seek a direction to respondents to assign them seniority from the date they took over independent charge as Electrical Chargeman (JE Grade II) from 29.11.95 with consequential benefits.

2. Admittedly applicants who were working in Electrical Branch of Northern Railway from different dates, were successful in the selection, which concluded on 28.9.94 (Ann. A-5) for filling up the post of Electrical Chargeman (B) (now called J.E. Grade II) (Rs.1400-2300) under 25% quota for serving

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Matrix employees with three years service in skilled grade (s) and below 45 years as Intermediate Apprentice Mechanics.

(b)

3. As per applicants' own averments, they were, thereupon sent for two years training vide Notice dated 17.11.94 (Ann. A-6), which, during the training, was curtailed by one year, vide letter dated 8.5.95 (Ann. A-7), upon which in ~~reference~~ to notice dated 29.11.95 (Ann. A-9) they assumed independent charge as Electrical Chargeman (J.E. Grade II) (Rs.1400-2300) w.e.f. 29.11.95.

4. Applicants now claim that their seniority as Electrical Chargeman should be determined w.e.f. 29.11.95.

5. Heard both sides.

6. Respondents reply on Para 132 IREM (Ann. A-2) but applicants contend the same is not applicable, and claim they are entitled to the relief under Rule 302 IREM Vol. I, according to which seniority is to be assigned from the date of regular promotion i.e. 29.11.95. Applicants contend that ACS No. 132 to IREM (Ann. R-5) introduced by letter dated 7.4.82 is also not applicable, as the same relates to direct recruits, and applicants are not direct recruits.

7. We have considered the matter carefully.

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8. Railway Board in its letter dated 27.11.90 (Ann. R-7) has made it clear that where the period of training is curtailed in exigencies of service, the trainees shall be entitled to the benefits as applicable to incumbents of such posts, except seniority and benefit of increments - grant of seniority and increments will continue to be regulated by Para 132 IREM forwarded under Board's letter dated 7.4.82 and Board's letter dated 2.3.88. Even prior to that letter, the Railway Board in its letter dated 2.5.88 (Ann. R-1) had made it clear that such apprentices who are initially recruited for a training duration exceeding one year, but whose training period is curtailed, may be given the minimum of the scale as stipend as and when they are put on the working post, treating it as enhanced stipend till the prescribed training is over, but they should not be brought on the scale of the post concerned, till they successfully complete training. It has further been pointed out in that letter, that the counting of service put in by apprentices before completion of the prescribed period of training in the working post for grant of increments, is not in accordance with instructions.

9. In our view the aforesaid circulars of respondents, which have not been challenged by applicants, are sufficient to establish that 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)