

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 1375/1989

Date of decision 3.3.92

Sh.J.S.Mathur .. Applicant.

Versus

Union of India .. Respondents.

Sh.B.S.Mainee .. Counsel for the applicant.

Sh.N.K.Aggarwal .. Counsel for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)
The Hon'ble Sh.I.K.Rasgotra, Member(A).

J U D G E M E N T

(Delivered by Hon'ble Sh.I.K.Rasgotra, Member(A)).

The facts of this case lie in a very narrow compass. The intermediate School in Tundla and High School in Bareilly, run by Northern Railway are Hindi Medium Institutions. The third institution namely, Oakgrove School at Jharipani is an English Medium School which provides residential facilities for the children of the Railway employees who would like to have assured continuity of education which is subject to disruption on account of frequent transfers. The Oakgrove School teaches the boys and girls for the C.B.S.E.(Central Board of Secondary Education), while the Tundla and Bareilly institutions prepare the students for the U.P. Intermediate Board Examination. The seniority of the teachers in the Hindi Medium Institutions was maintained separately till 1987 from the teaching staff of the Oakgrove School, Jharipani. In 1987, in accordance with the directions of the Railway Board vide letter dated 13.2.1987 the respondents have taken a decision to prepare the combined seniority list for all the three teaching institutions for

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filling up the vacancies in Group 'B' and senior scale posts. The grievance of the applicants is that they have been teaching in Hindi Medium Institutions all this time and that their expertise lies in that field and if at this stage they are to be considered for promotion on the basis of combined seniority they will never make the grade for selection of holding post in Group 'B' in the Oakgrove School, Jharipani. On the other hand the Oakgrove School, Jharipani teaching staff would be placed in a more advantageous position as the teachers there are teaching in English Medium School. The combined seniority would thus result in one way transfers from Jharipani to Hindi Medium Institution. Such a situation will jeopardise the chances of promotion of the Hindi Medium Teachers at Tundla and Bareilly. The applicants have made a number of representations to the respondents but these have been of no avail.

2. The stand of the respondents in their counter is that "teachers at Tundla and Bareilly can teach at Jharipani and vice versa and there is difference only in the medium of instructions". The respondents, therefore, do not see any reason to deviate from the general policy which regulates the promotion of Group 'C' staff to Group 'B' and to the other higher grade posts. The learned counsel for the respondents Sh.N.K.Agarwal at the outset stated that the case has been retransferred to him recently and that the respondents have yet not been able to make the file available ^{to him} to him,

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therefore, prayed for adjournment of this case to a later date. We find from the file that we have earlier granted two adjournments for this very reason to the respondents viz on 13.8.91 and 22.1.92. Having carefully considered the submission made by the learned counsel we decline the prayer to adjourn the matter any further particularly keeping in view the fact that the case was assigned priority under the orders of the Hon'ble Chairman and was placed for final hearing on 13.8.91. Thereafter the learned counsel for the respondents after perusing the counter drew our attention to para 3 of the Railway Board's directions vide letter dated 13.2.87, which being relevant to the main issue is reproduced below:

During the discussions you mentioned that the unit of seniority followed on the Railways is separate for filling the higher grade vacancies in the Hindi medium schools and the English medium schools. This may be alright so far as the vacancies in the higher grade in the non gazetted categories are filled. But when vacancies in Group 'B' and in Sr.scale are required to be filled the whole Railway is to be treated as one unit and the consideration should cover all eligible employees working in both the Hindi & English medium schools. I would, therefore, request you to send me a list of eligible employees arranged in the order of seniority from both the Hindi and English Medium schools alongwith the folder containing the complete CRs and Integrity Certificates. The information furnished with your letter dated 22.8.86 also mentions that Shri G.R.Choudhary, Principal Railway College, Tundla was holding the post of Principal in Sr.Scale on ad hoc basis. This is not so. Shri Chowdhry was also one of the Officers selected for regular appointment in Sr.Scale vide our letter

dated 25.5.82"

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3. It is observed from the above that the seniority list for English Medium Oakgrove School teachers was maintained separately from the teachers of the Hindi Medium Schools prior to the issue of Railway Board's letter of 13.2.1987. However, apparently considering teaching profession at par with the administrative posts, the Railway Board seem to have come to the conclusion that the selection for Group 'B' posts should be held on the all Railway basis. While this is alright for filling up the vacancies in the administrative categories we have serious reservation about combining the seniority of the English Medium teachers at Oakgrove School, Jharipani with the Hindi Medium teachers at Tundla and Bareilly and subject the L to a selection for higher posts in Group 'B' etc. On that basis. In fact a combined selection of the teachers for Group 'B' and higher level may be detrimental to both English as well as Hindi Medium institutions. Having regard to the above, we would like that Railway Board should give careful consideration to this issue and reconsider the entire matter, keeping in view the peculiar and special features of the English Medium and Hindi Medium Schools and the requirement of teaching staff in these institutions. Accordingly we direct that the Railway Board should reconsider their decision contained in letter dated 13.2.87 for preparing a combined seniority list for Hindi and English Medium teachers

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and holding selection on that basis. Till the matter is reconsidered the Railway Board are not precluded to hold selection to fill up the vacancies, if any, in accordance with pre 13.2.87 seniority list. We further direct that the revised seniority list after reconsideration of the entire situation shall be finalised as early as possible but not later than six months from the date of communication of this order. The O.A. is disposed of accordingly. The applicants shall be at liberty to approach the Tribunal in case they are aggrieved after the revised seniority list is published. Parties shall bear their own costs.

Sikhs
(I.K.RASGOTRA)
MEMBR(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)