

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH: NEW DELHI.

O.A. NO. 2342/89

New Delhi this the 9th day of May, 1994.

Shri Justice V.S. Malimath, Chairman.

Shri P.T. Thiruvengadam, Member(A).

1. Suresh Chand son of Sh.Rajinder Singh
2. Om Prakash Saraswat son of Sh.Mahabir Prasad Saraswat.
3. Raja Ram Saroj son of Sh.Suchit Saroj
4. Yogesh Kumar S.son of Sh.Sobha Ram
5. Sh.Girish Kumar N.Sharma s/o Sh Nand ram Sharma
6. Sh.Uday Prasad singh son of Sh.Balkeshar Singh
7. Sh.Sajjan Pal Singh s/o Sh.Gajender Pal Singh
8. Sh Puran Singh son of Sh Baboo Lal
9. Sh ghish Pal singh s/o sh Ram swarup Singh
10. Sh Munna Prasad sharma s/o sh Raja ram Sharma
11. Sh Sripal singh s/o Sh Ram Dass
12. Sh Brij Bihari Sharma s/o Sh Prem shankar Sharma
13. Raj Pal Chaudhary s/o Sh Amar Nath
14. Sh Indra Prasad Pal s/o Sh Lalu Prasad
15. Sh Mori Lal s/o Sh Nathu Ram
16. Sh Vijay singh s/o Sh Durga Singh
17. Sh Shyam Babu s/o Sh Baboo Lal
18. Sh Vishnu Dutt Sharma s/o Sh Rampat Sharma

(10) 2

-2-

19. Sh Yogender Kumar Pathak s/o Sh Kishan Chand Pathak
20. Sh C.K.Pawar son of Sh Kishan Singh Pawar
21. Sh Phal Singh s/o Sh.Sohbaran Singh
22. Sh Shiv Charan Meena s/o Sh Arjun Lal Meena.
23. Sh Manohar Lal s/o Sh Prabhu Lal Sharma
24. Sh Mahender Pal Singh s/o Sh Govind Singh
25. Sh Om Parkash s/o Sh Sambhu Lal Sharma
26. Sh Prahlad Lal Sharma s/o Sh Suraj Lal
27. Sh Ram Karan s/o Sh Ram Bharose.
28. Sh Pradeep Kumar s/o Sh Ram Bilas.
29. Sh Mishri Lal s/o Sh Madan Lal
30. Sh Chhedi Lal Tyagi s/o Sh Saddi Lal Tyagi.
31. Sh Anand Prakash s/o Sh Dambar Singh
32. Sh Chandra Wali s/o Sh Guru Prasad.
33. Sh Ram Pyare s/o Sh Jokha Ram
34. Sh Ram Singh s/o Sh.Sri Lal
35. Sh Ghan Shyam s/o Sh Govind Ram
- ✓ 36. Sh Ram Brij s/o Sh Laxmi Naraina.

37. Sh Ram Sripat s/o Sh Ram Bhajan
38. Sh Ehanu Pratap singh s/o Sh Ram Pretwan Singh
39. Sh sriniwas son of Sh Ambica Prasad.
40. Sh Doodh Nath s/o Sh Bhavtal
41. Sh MadanMurari s/o Sh Deep Narain.
42. Sh Ram Prakash s/o Sh shyam Baboo
43. Sh chandra Bhan son of Sh.Surender Pal
44. Sh Ram Asare s/o Sh Ram Dular
45. Sh Radhey Shyam s/o Sh Ram Chitra Sharma
46. Sh Vijay shankar Tiwari s/o Sh Vishwa Nath Pratap
47. Sh Mohd. Nashir Khan s/o Thahir Khan
48. Sh Girish Kumar s/o Sh Dwarka Prasad.
49. Sh Satya Prakash Sharma s/o Sh Madan Lal Sharma
50. Sh Sabir Ali s/o Sh Noor Mohd.
51. Sh Parshuram Yadav s/o Sh Ram Vaid Yadav.
52. Sh Yogesh Kumar Sharma s/o Sh Kanwar Bahadur Sharma
53. Sh Vijay Kumar Sisaudiya s/o Sh Har Pal Singh
54. Sh Prem Chand vashisth s/o Sh Ram Karan Vashisth

55. Sh Ashok Kumar Sharma s/o Sh Sri Ram Sharma
56. Sh Raja Ram Mehra s/o Sh Chhotu Lal Mehra
57. Sh Shiv Karan s/o Sh Kesha Ram
58. Sh Rakesh Kumar s/o Sh Shia Ram Pathak.
59. Sh Mahadev singh son of Sh. Sham Singh
60. Sh. Surender Narayan s/o Sh. Shiv Narayan
61. Sh Om Prakash sharma s/o Sh shubha Lal Sharma
62. Sh Batti Lal Mahawar s/o Sh Tulsi Ram
63. Sh Pradip Kumar Mishra s/o Sh Om Prakash Mishra
64. Sh Usman Ali s/o Sh Mohd Kalloo
65. Sh Ranbir Singh s/o Sh Rohangsingh
66. Sh Subhash Chand son of Sh Puran singh
67. Sh. Anil Kumar Upadhyaya s/o Sh Ranji Lal
68. Sh Santosh Kumar Jain s/o Sh Beni Prasad Jain
69. Sh Dharam Pal s/o Sh Banwari Lal
70. Sh Shambhu Lal s/o Sh Kieshari Lal
71. Sh satyapal singh s/o Sh Satinder Singh
- ✓ 72. Sh Om Prakash son of Sh. Trilok singh.

73. Sh Lajja Ram son of Sh.Laxman Singh.
74. Sh Dewan singh son of Sh Lajja Ram
75. Sh satya Narayan s/o Sh Hukam Singh Sharma.
76. Sh Bhola Nath s/o Sh Vishnu Dutt Sharma.
77. Sh Nazar Mohd.s/o Sh Hanif Mohd.
78. Sh Raj Narayan Lal s/o Sh Ram Bachan Lal
79. Sh Tara Chand s/o Sh Nathu Ram
80. Sh Rai Thomas s/o Sh Joseph Chaki
81. Sh Uday Prasad Singh s/o Sh Bal Kishan Singh
82. Sh Mahesh Kumar son of Sh sury Kumar
83. Sh Dev Raj son of Sh.Mahabir Singh
84. Sh Girish Kumar son of Sh Hral Dhari.
85. Sh Bhagwati Prasad son of sh Thakur Dass.
86. Sh Rakesh Kumar Gulati s/o Sh Sri Ram Gulati
87. Sh Laxman Singh s/o Sh Vishwa Nath Singh
88. Sh. Sardar Singh s/o Sh Ganga Sahai
89. sh Ramesh Chand S^rivastava s/o sh Narottam S^ringh
90. Sh Ram Prakash s/o Sh Shambhu Lal

91. Sh. Ram Varan s/o Sh. Ram Bharose
92. Sh. Rakesh Kumar Mishra s/o Sh. Tara Chand Mishra
93. Sh. Devendra Kumar Soni s/o Sh. Niranjan Soni
94. Sh. Nand Kishore s/o Shri. Ram Avtar
95. Sh. Mahesh Dutt Sharma s/o Sh. Bharmudtt Sharma
96. Sh. Leeladhar Rawat s/o Sh. Choke Lal

(All Employees of Electrical Loco Shed Tughalakabad

Western Railways: New Delhi.....APPLICANTS

VERSUS

1. Union of India, Ministry of Railways,
Rail Bhawan, New Delhi.
2. Division Railway Manager,
Western Railway, Kota Division, Kota Rajasthan.
3. Sr. Divisional Electrical Engineer
Electrical Loco Shed Tughlakabad, Western Railways,
New Delhi.

.....Respondents.

(15)

ORDER(ORAL)

Shri Justice V.S. Malimath

None appeared either for the petitioner or for the respondents. As this is a very old case, we consider it proper to look into the records and dispose of the case on merits.

2. The petitioners are all employees of Electrical Local Shed, Tughalkabad, Western Railway, New Delhi. They have a grievance in the matter of promotion to the cadre of skilled artisans which carry the scale of Rs.950-1500. The petitioners are employed as Class IV Semi-skilled/unskilled workers at the New Electrical Loco Shed, Tughlakabad, Western Railway, New Delhi. It is their case that they are entitled to be considered for promotion to Class-II posts of skilled artisans at the new Electrical Loco Shed, Tughlakabad. They alleged that 50% of the posts of skilled artisans are required to be filled by direct recruitment and the remaining 50% by promotion, 25% by seniority and 25% by selection amongst the rankers with I.T.I. certificates and three years experience. It is alleged that in utter disregard of these norms, the respondents have recruited 66 candidates ignoring their claims for promotion in accordance with the quota prescribed for promotion. It is in this background that they have approached the Tribunal praying for quashing of ^{the} orders dated 17.1.1989, 22.4.1989 and 29.3.1989 which bear on the direct recruitment to the cadre of skilled artisans and have prayed for a direction to consider the case of the petitioners for promotion to the post of skilled artisans by providing them full quota of their 50% posts and to promote them to the said posts.

3. In the reply filed on behalf of the Railway Administration, it is stated that the posts of skilled

artisans are required to be filled up in accordance with the order of the administration dated 30.4.1986 produced in the case as Annexure R-1. Paragraph (IV) which deals with skilled categories says that 50% of the vacancies should be filled^{up}/by direct recruitment of ITI trained in Electrical/Electronic trades or matriculates with science subject through employment exchange. 25% of the vacancies are required to be filled up by option from serving employees in the same grade in all the branches of Elect. department and steam/diesel maintenance side of Mechanical department as well as employees working in RE(Cons) organisation holding liens on Western Railway. Absorption of all except those of TRS Shed cadre will be subject to screening/trade test. 25% of the vacancies to be filled up from the serving class IV optees employees from the Elect. Loco Shed cadre of BCT/BRC Division as also all employees of KTT Division with minimum three years service either ITI trained in Electrical/Electronic trades or matriculations with science subjects. The respondents have stated that the recruitment is being made strictly in accordance with this order and no excessive recruitment is being made by direct recruitment process. They have stated that the direct recruitment is made by making an estimate of the vacancies likely to occur taking note of the fact that the selected candidates can be posted only after they successfully undergo training for the period of three years. No materials have been placed before us to show that any excessive direct recruitment has been made contrary to the prescription of 50% prescribed by the rules. The respondents have also stated that the vacancies are being filled up by the two modes prescribed by the order Annexure R-1. They^{have}/pointed out that the trade test is being held

in order to assess the suitability of the candidate and that the candidature of everyone who comes within the zone of consideration including the petitioners will be considered at the relevant point of time. There is no good reason to disbelieve the version of the respondents in this behalf, particularly when the petitioners have not been able to place any material before us to show that the respondents are acting in transgression of the order, Annexure R-1 dated 30.4.1986 which regulates the filling up of the posts of skilled artisans. We, therefore, see no ground to interfere.

4. For the reasons stated above, this petition fails and is dismissed. No costs.

P.T. Thiruvengadam

(P.T. Thiruvengadam)
Member(A)

V.S. Malimath

(V.S. Malimath)
Chairman

'SRD'