

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.747/88

Date of Decision: 3.9.93.

Shri Jagdish Pawa and Ors Applicants

Versus

Union of India and another Respondents

Shri Umesh Mishra

Counsel for the applicants

CORAM:

The Hon. Mr. C.J. ROY, Member (J)

The Hon. Mr. S.R. ADIGE, Member (A)

JUDGEMENT (Oral)

(delivered by Hon. Member (J) Shri C.J. ROY)

Heard the learned counsel for the applicants and perused the documents placed on record.

2. An MP.783/88 has been filed by the applicant with the prayer for joining together in one OA under Central Administrative Tribunal (Procedure) Rules, since all these applicants have a common interest and are entitled to the same relief arising out of the same cause of action. The prayer is allowed and MP disposed of accordingly.

3. The brief facts of the case are that the applicants are employed in the Northern Railway as Diesel Cleaners in the grade of Rs.750-900. Presently they are posted at ^{Sh}Shakurbasti and Tughlakabad. For the purpose of promotion ^{to} to the post of Diesel Fitter in the grade of Rs.950-1250, Diesel Fitters' training is necessary. Such training is given at Tughlakabad and Shakurbasti Shed. The applicants pray that they should be given first preference

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in ~~training~~^{the} training, and after obtaining training they should also be given priority in further promotion. The grievance of the applicant is that in the first week of October 1987^{AM} some of their ~~seniors~~^{juniors} were sent for Fitters Training and that they immediately protested for not sending them and also represented that they should be considered in preference to their juniors as they ~~were~~ more suitable and entitled for training. The categories that are sent are not entitled for training compared to the applicants. They further aver that if the respondents consider their juniors for training and subsequent promotion, then their promotional chances would be reduced. They state that the respondents have sent their juniors arbitrarily inspite of the fact that they ~~are~~^{applicants} seniors and eligible for training. They have prayed for a direction to the respondents to give priority on the basis of seniority for the purpose of trade test, ^{AM} and for the purpose of preparing panel and for filling vacancy.

4. The respondents have filed a counter stating that the applicants will get promotion ~~in~~^{at} their turn and no right of the applicants are curtailed. The staff are sent on training for conversion course only, and not for promotion. In para-VI it is stated that due to closure of container Handling Depot at New Delhi, the surplus staff declared for the depot~~s~~ are to be absorbed in various categories under S.D.M.E. (DSL) shed and the administration considered for immediate conversion training to make them more useful to work at DSL shed/SSS. They have however, assured that the staff already working in DSL shed will get promotion in accordance with their seniority after completion of training and passing of Trade Test on their turn. They have categorically stated that no ~~junior~~^{AM one} to

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the applicants have been sent for training. The promotion to the applicants are not in any way affected. In para-VI, it is stated that the applicants will be sent on training as per their turn in the seniority of Diesel Cleaners and will be promoted accordingly.

5. In view of the categorical assurance given in the counter affidavit, there is no necessity for us to go into any findings nor do we feel it necessary ^{to postpone disposal merely} to hear the learned counsel for the respondents, ^{we} and therefore proceed to dispose of this case with a direction to the respondents that the applicants promotional chances shall not be affected ^{even if any of their juniors have been} of their juniors ^{will be} being sent for training. The applicants ^{will be} entitled to their promotion in the course of their turn in accordance with the recruitment rules.

6. With this observation, the OA is disposed of. No costs.

Rufeligo
(S.R. ADIBE)

MEMBER (A)

03.09.1993

pramy
(C.J. ROY)

MEMBER (J)

03.09.1993