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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

O.A.No.1137 of 1988.

New Delhi this 2nd day of December, 1993

Hon'ble Mr. S.R. Adige, Member (A)  
Hon'ble Mr. B.S. Hegde, Member (J)

1. P.K.Gupta  
s/o Shri R.S. Dass Gupta,  
Guard C,  
Railway Station,  
Moradabad UP  
and 27 others (Total 28)

(By Advocate Shri G.D. Bhandari).....Applicants.

Versus

1. Union of India  
through  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad, UP ..... Respondents.

Shri G.D. Bhandari, Advocate for the applicants is present.

None for the respondents (Shri K.K. Patel, Advocate for the respondents appeared after the case had closed.)

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ORDER

(By Hon'ble Mr.S.R.Adige,Member(A).)

In this application, Shri P.K.Gupta, Guard 'C' Moradabad Railway Station and 27 others have assailed the Classification order dated 12.3.87 (Annexure-A3) and have prayed for issue of a direction to the respondents to make promotions of Goods Guards C grade Rs.1200-2040/- to the post of Passenger Guard A grade Rs.1350-2250/- on the basis of seniority-cum-suitability by treating the Passenger Guards' post as a non-selection post.

2. From the impugned Classification order dated 12.3.87, it appears that prior to the IVth Pay Commission's recommendations, Goods Guards C were recruited in the Grade of Rs.330-530/- Thereafter their promotion as Goods Guards B (Rs.330-560/-), Passenger Guards (Rs.425-600), and Passenger Guards 'A' Special (Rs.425-640), was on non-selection basis, i.e. on the basis of seniority-cum-suitability.

3. The IVth Pay Commission in Part I, Chapter 23 of their report-Promotion Policy in para 10.440 (Annexure-7) stated as follows:-

"It has come to notice that in the guards category there is no stage for selection after recruitment in the scale of Rs.330-530. The Department of Railway may examine the desirability of introducing at least one stage in the guards career where selection process may be involved."

4. From the impugned Classification dated 12.3.87, it would appear that in the light of the IV Pay Commission's recommendations, the multiplicity of scales for Goods Guard and Passenger Guards was

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abolished, and three broad scales were introduced, i.e. Rs.1200-2040/- for Goods Guard; Rs.1350-2200/- for Passenger Guards; and Rs.1400-2600/- for Passenger Guards of Mail Superfast, and Express Trains. Simultaneously while no change was made in respect of Goods Guard; Passenger Guard was made a selection post, while the post of Passenger Guards of Mail, Superfast, and Express Trains was left untouched. It is clear that this decision to convert the post of Passenger Guard into a selection post was the outcome of the IVth Pay Commission's recommendations quoted above and was a General Policy decision. In the counter-affidavit, it has been stated that this policy decision has been taken in the public interest to ensure better performance and to introduce an element of competition atleast at one stage in the guards'career so that they are encouraged to give their best.

5. Shri Bhandari, learned counsel for the applicants has stated that conversion of the post of Passenger Guard from non-selection to selection, is arbitrary; discriminatory; goes against past practice and is violative of Articles 14 and 16 of the Constitution. It is clear that the conversion of the post of Passenger Guard into a selection post is based upon the specific recommendations of IV Pay Commission, which is an Expert Body and is a General Policy decision which has at its averred object the improvement in the functioning of the Railways, by encouraging diligence and merit. There is thus a clear nexus between the introduction of revised classification and the objective sought to be achieved, and it has clearly been made in the public interest as a whole.

There was no express condition that required prior consultation with Railway Unions before the change was introduced, and merely because no selection post for guards existed in the past, does not mean that no change can be introduced at this stage, particularly when the IV Pay Commission have specifically drawn attention to the desirability of introducing selection grade atleast one stage in the guards' career.

6. Under the circumstances, the applicants' prayer for quashing the impugned classification order fails.

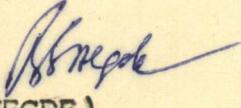
7. Flowing from what has been stated above, the second prayer; viz. directing the respondents to make promotions from Goods Guards to the post of Passenger Guard on the basis of seniority-cum-suitability by treating the post of Passenger Guard as a non-selection post also fails. Shri Bhandari has averred that the applicants who were Goods Guards in the scale of Rs.1200-2040/- have been continuously working as Passenger Guards in the scale of Rs.1350-2200/- for the last many years, and they should now be regularised against those promotional post on the basis of seniority-cum-suitability by treating the Passenger Guards' post as a non-selection post. In this connection, he relies upon the Notice dated 6/7.1.87 (Annexure-8) whereby the promotions of 36 Goods Guards in the scale of Rs.1200-2040/- have been ordered to that of Passenger Guards' Grade Rs.1350-2200/- purely on temporary basis. However, none of the applicants' names appear to figure in this list and the

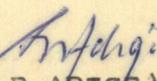
respondents in their counter-affidavit have also clearly stated that none of the applicants were promoted to the post of Passenger Guards' Grade Rs.1350-2200/- on adhoc basis or regular basis prior to Rs.27.5.88. Some of them might have been utilised against day-to-day vacancies in the higher grade but that utilisation does not confer any right on them to claim officiating promotions or regularisation as per the old classification and they would have, therefore, to go through the selection procedure as laid down in the impugned classification order dated 12.3.87 which has come into force.

8. We agree with this view and hold that the ratio laid down in Rangiah's case (AIR 1983 SC 853) relied upon by Shri Bhandari, would, therefore not apply to the facts of this case. This prayer, therefore, also fails.

9. In the result, neither of the two prayers, made by the applicants, are admissible in law and this application is dismissed.

10. No costs.

  
(B.S. HEGDE)  
MEMBER (J)

  
(S.R. ADIGE)  
MEMBER (A)