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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

DA No. 724/86

Date of decision:

17-7-92

Sh. Prem Kumar Sharma .. Applicant

None .. Counsel for the applicant

Versus

Union of India .. Respondents.

Sh. Jagjit Singh .. Counsel for the respondents

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Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporters or not ?

J U D G E M E N T

(Of the Bench Delivered by Sh.B.N.Dhoundiyal, Member (A))

This O.A. has been filed by Shri Prem Kumar Sharma under Section 19 of the Central Administrative Tribunal Act, 1985 against delayed upgradation of the post of Telegraph Cadre in Northern Railway and refusal of the respondents to promote him to the post of Asstt. Superintendent Telegraph, Railway, when it fell vacant on 30.6.1985.

2. After appearing successfully in the competitive examination and completing six month's training, the applicant was appointed as a Traffic Signaller in the erstwhile B.B.& C.I. Railway at Rewari in 1947. Eventually, he rose to the position of a Station Master ^{Selection} / grade in which he was confirmed on 1.4.1964. While posted as Station Master at Jatusana in Bikaner Division, he was declared medically unfit in A2 category and was posted as Signaller in the same scale (Rs. 425-640) at Rewari on 31.7.1980 as an alternative posting cleared by the Screening Committee. He qualified in P-2A Course and was posted as Inspector, Telegraph Transportation w.e.f. 10.11.82

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and later promoted as Deputy Superintendent Incharge Telegraph (Rs. 550-750) at Northern Railway Headquarters New Delhi w.e.f. 23.1.83.

3. The first grievance of the applicant is that there was abnormal delay in restructuring of this cadre and he was given the benefit of upgradation to Grade of Rs. 700-900 w.e.f. 1.1.84 instead of 1.1.79 when his junior Shri Munishwar Ram was given this grade. Secondly, unlike his senior colleagues he was not promoted to the post of Asstt. Supdt. Telegraph Railway (Rs. 650-1200) when this post fell vacant on 30.6.85 even-though he was the senior most in the panel of Signallers having qualified the P2-A course. The applicant retired on 30.6.86 as Dy. Superintendent Incharge Telegraph. The applicant has prayed for issue of directions to the respondents to operate proforma fixation of pay in grade Rs. 700-900 w.e.f. 1.1.79 and promotional proforma fixation of pay for the post of ASTR in the grade of Rs. 650-1200 w.e.f. 1.7.85 with all the retirement benefits being recalculated accordingly.

4. The respondents have stated that the applicant was appointed as Traffic Signaller on 21.7.42 and was appointed as ASM on 5.1.51. After his medical recategorisation, he was absorbed in the alternative post of Signaller grade Rs. 425-640 and was assigned seniority on the basis of length of service as ASM. He was given ad-hoc promotion as ITT (Rs. 550-750) but was reverted when he failed to qualify the suitability test. The applicant could not have been given upgradation from 1.1.79 as he was not in the cadre of Signaller on that date and entered this cadre only on 1.8.80. Even in the cadre of ITT, Shri Munishwar Ram and Sh. D.N. Biswas were senior to the applicant.

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The post of ASTR for which the applicant is claiming promotion was a Ex-cadre post prior to 1982 and the said post was filled up from

1. Dy. Supdt. (Telegraph)
2. Inspector Telegraph (Traffic)
3. The Chief Inspector (Wireless Telegraphs)

After 1982, the Railway Board vide letter dated 7.12.82 has decided that the post of ASTR is to be treated as cadre post of T(T)&C Deptt. Accordingly no person as Signaller/ITT was promoted to the post of ASTR after 1982. Last person who was promoted from the post of ITT etc. was Shri Piara Singh, who too was promoted in 1979.

5. No one appeared on behalf of the applicant on 21.4.92 and 2.7.92 and the proxy counsel for Shri Jagjit Singh, counsel for the respondents reiterated the arguments set forth in the counter. As the post of ASTR was no longer available to cadres other than T(T)&C after 1982, it is clear that applicant could not be promoted against it. Moreover, in his own cadre of Signallers, two persons senior to him would have prior claim to this post. The only question to be considered was whether the rules protect the seniority of the applicant. The applicant joined duty as Head Signaller on 1.8.80 ⁱⁿ the grade Rs. 425-640 and he was assigned seniority on the basis of length of service as ASM as per extant rules. It was only on adhoc basis that he was promoted to ITT grade Rs. 550-750. The applicant had not challenged fixation of his seniority at the time of alternative posting.

6. In view of the above facts, the applicant is not entitled to any relief. The application is accordingly

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dismissed.

The parties will bear their own costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 17/7/92
Member (A)

P.K. Kartha
17/7/92
(P.K. Kartha)
Vice Chairman(J)