

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 1648/87

Date of decision : 15.01.1993

Shri B.D. Sharma

... Petitioner

Versus

Union of India through
Financial Adviser & Chief A/cs Officer
Central Organisation Railway
Electrification, Mathura. & Ors

... Respondents

CCRAM :-

HON'BLE MR I.K. RASGOTRA, MEMBER (A)

For the Petitioner : Shri R.L. Sethi, Counsel

For the Respondents :

JUDGEMENT (Oral)

The petitioner was appointed as Shroff on 30.12.1962 in the Central Railway. He was promoted to the post of Junior Cashier in the scale of Rs.330-560(RS) and on 30.10.69 as Senior cashier in the pay scale of Rs.425-640(RS) w.e.f. 20.3.1980 (the date 7.5.1979 given by the petitioner as date of promotion as senior cashier has been disputed by the respondents). Thereafter he was transferred at his own request to the Railway Electrification project, at Mathura on 20.3.80. The Railway Electrification project gave him the pay scale of Rs.455-700 on ad hoc basis and he was designated as Assistant Divisional Cashier. He was further promoted on ad hoc basis in the pay scale of Rs.550-750 as Divisional Cashier w.e.f. 16.5.1984. The grievance of the petitioner is that although he worked as Divisional Cashier he was not given the grade of Divisional Cashier.

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which was given to the cash and pay staff holding that designation on the open line railways in accordance with the scheme of restructuring of Group 'C' & 'D' staff ordered by the Railway Board vide their letter dated 25.6.1985.

This was given effect to retroactively from 1.1.84 but the financial benefit was to be accorded w.e.f. 1.1.85.

The petitioner claims that from 1.1.84 he should have been placed in the pay scale of Rs.700-900 (RS) and fixed accordingly in the replacement scale of Rs.2000-3200 from 1.1.86 when the recommendations of the Fourth Central Pay Commission were implemented. While the facts of the case are not in dispute the claim of the petitioner has been contested by the respondents in their counter-affidavit.

2. The first objection raised by the learned counsel for the respondents Shri M.L. Verma is that the petitioner had represented to the parent department where he held lien for claiming the benefits of the higher grade on 2.7.87. He was advised through the Railway Electrification Project that the petitioner's seniority stands at Sr No.93 out of 130 posts of Senior Cashiers sanctioned on the Central Railway. Even after restructuring of the cadre of cashiers only 36 cashiers could get the benefit of upgradation from Rs.425-640 to Rs.455-700. He was accordingly advised that he would have no chance for another 3 to 4 years as per his position in the category of Senior Cashiers to come even into the zone of consideration for the post of Assistant Divisional Cashier/Inspector of cashiers grade Rs.550-750/Rs.1600-

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2600 (RPS). The post held by the petitioner in the R.E. project was on ad hoc basis and does not give him any right to claim equivalent or higher grade in his parent cadre. In fact the higher grade available to the petitioner in the R.E. Project was fortuitous and does not confer any right on him for being placed in that grade on regular basis.

The second point which has been argued by the respondents is that the Railway Board's letter dated 25.6.1985 regarding cadre restructuring was not applicable to the R.E. project or similar other organisations. This is clear from Annexure 'A' annexed to the said letter of the Railway Board. A paragraph IV (G) under the heading "Cash & Pay Office Staff", Annexure A-I (Page-40 of the paperbook) deals with the upgradation, relevant in the case of petitioner, is extracted below : -

(C) Upgradation effected to posts in Supervisory cadre as under : -

| Scale (Rs) | Existing Posts | Revised Posts |
|------------|----------------|---|
| 700-900 | 55 | 107 |
| 550-750 | 134 | 146 |
| 455-700 | 37 | Nil |
| Total | 226 | 253 (+27 posts upgraded from Hd. Shroff scale Rs.425-640) |

(The detailed distribution of Supervisory Cadre Railway-wise is given in Annexure-II)

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Further from the Annexure II to the said letter of the Railway Board it is seen that the posts in the pay scale of Rs.700-900 etc were distributed only to the open line railways. The projects operating on temporary basis are for obvious reasons not included. The Central Railway which we are concerned with was given 5 additional posts in pay scales of Rs.700-900 in addition to the 5 existing ones. This leaves no doubt that the said letter of Railway Board regarding cadre restructuring, was not applicable to R.E. project where the petitioner was working. The benefit of restructuring would be available to him only when he goes ^{back to} his parent cadre and when he comes within the zone of consideration for the grade claimed by him. This position has been made clear to him vide F.A. & C.A.O Central Railway's letter of dated 2.7.1987 addressed to FA & CAO (RE), Mathura Junction. It is further seen from Annexure-3, annexed to the counter-affidavit, that the petitioner was asked to give his willingness for selection for the post of ADC/IOC in the grade of Rs.1600-2600 (RPS) (Rs.550-750) for which selection was to be conducted shortly by the Central Railway. This willingness was to be given by the petitioner on or before 30.10.87.

I have heard the Learned Counsel for the petitioner and purused the record carefully. Neither the petitioner nor the learned counsel for the petitioner nor the respondents are able to tell me as to the result of the said selection

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if, the same was held. Be that as it may, the fact that the petitioner was working in the grade of Rs.550-750 on ad hoc basis in R.E. project and was called or designated as Assistant Divisional Cashier cannot constitute the basis for claiming the benefit of the scale of Rs.700-900 (Rs.2000-3000). This benefit would be available only when he gets selected in his parent cadre, first by selection in the grade of Rs.550-750 (Rs.1600-2600) and thereafter by promotion in the scale of Rs.700-900 (Rs.2000-3200) in accordance with the procedure for non-selection post.

In the above facts and circumstances of the case, no case has been made out for judicial interference in the matter. O.A. is dismissed accordingly. No costs.

Sukh Singh
(I.K. RASGOTRA)
MEMBER (A)