

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 531/90  
T.A. No.

199

DATE OF DECISION 11.12.1991

Shri Girdhari Singh & Anr.	<del>Petitioner</del> Applicants
Shri B. S. Mainee	Advocate for the <del>Petitioner(s)</del> Applicant
Versus	
the General Manager, Northern Rly. & Others	Respondent
Shri O.P. Kshatriya	Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

The applicants, who have worked as Carpenters in the Office of the Chief Public Relations Officer in the Northern Railways, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

(i) To direct the respondents to classify their

posts as skilled as per Railway Board's orders dated 13.11.1982.

(ii) To direct them to give proforma fixation of

pay to them from 1.8.1978 and pay arrears with interest; and

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(iii) To direct them to fix their seniority as per directions of the Railway Board.

2. The applicants were appointed on the Northern Railway as Khallasis on 24.6.1967 and 26.10.1964, respectively. The applicant No.1 was appointed in Delhi Division and the applicant No.2 in Headquarters' office. Applicant No.1 was subsequently transferred from Delhi Division to Headquarters Office on 1.7.1969. Both of them were promoted from the post of Khallasi to the post of Semi-Skilled Carpenter after qualifying the prescribed test in September, 1977 and April, 1977, respectively. Thereafter, they have worked in the said post in the scale of Rs.800-1150.

3. In terms of their letter No.E(P&A) I-82/JC-I, dated 13.11.1982, the Railway Board issued orders for reclassification of Artisan staff in the Railways with a view to giving relief to Semi-Skilled and unskilled Artisan staff. In the aforesaid circular letter, the Railway Board directed that the members designated as Semi-Skilled as indicated in the lists No.1 and 2, should be reclassified as skilled in grade Rs.260-400. It was further laid down that 60% of the existing unskilled Artisans' strength in production units and workshop should be allotted the semi-skilled grade of Rs.210-290 and designated as Khallasi Helpers. It was also provided that 50% of the then existing strength in unskilled Artisan

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category in the open line establishments should be allotted the semi-skilled grade and designated as Khallasis-helpers.

The Railway Board also ordered that fixation of pay in respect of staff classified as per item 1 and 2 of the said circular should be done on proforma basis w.e.f. 1.8.1978.

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So far<sub>1</sub> the arrears were concerned, the Railway Board directed that the lumpsum arrears will be payable for the period from 1.4.1980 to 31.12.1981 in respect of staff classified from semi-skilled to skilled at Rs. 20/- per month, subject to a ceiling of Rs. 400/-. The Railway Board further laid down that higher fixation on the above classification will be currently effective from 1.1.1982.

4. Applicant No. 2 was called for trade test on 13.10.1982 for promotion from semi-skilled Carpenter to skilled carpenter and he was declared successful in the trade test, which was held by a Committee of the Officers. The result of applicant No. 2 was finally approved by the competent authority as indicated in Assistant Personnel Officer, Northern Railway, DRM Office, New Delhi letter No. 293-E/62/TT/P-6, dated 7.1.1981 addressed to CPRD, New Delhi. The applicant No. 1 was also declared successful in the trade test held by a Committee of 3 officers formed by Senior Deputy General Manager on 11.11.1986.

5. The respondents implemented the scheme of reclassification as laid down by the Railway Board, but the applicants

(9)

have alleged that they were discriminated against and the benefit of reclassification was not given to them.

6. In terms of letter No.724-E/8149/E3A, dated 18.5.83, ~~copy~~ issued by the Senior Personnel Officer, Headquarters, Northern Railway, Baroda House, New Delhi, the seniority of Carpenters in various grades in working in headquarters was merged in Engineering Branch of Delhi Division. In terms of another letter dated 17.11.1987, the Respondent No.1 directed the Respondent No.2 to fill up all the vacancies of Carpenters, for which, the Section strength of Carpenters in various grades was mentioned. In the aforesaid letter, the Respondent No.1 (the General Manager, Northern Railway) also directed the respondents No.2 (the Divisional Manager, Northern Railway) that the question of reclassification of semi-skilled posts held by the applicants also be examined and finalised in terms of Railway Board's letter dated 13.11.1982.

7. The applicants have alleged that this was not done.

8. According to the respondents, the applicants belong to the seniority Group of Headquarters and were not considered in the Divisional seniority Group by respondent No.2. The applicants belong to the seniority list maintained by P.A.O. and further action for upgradation is to be initiated by C.P.R.O. for Headquarters Office and not by the D.R.M. Office.

Since the applicants ~~do not~~ belong to the Headquarters!

seniority, further action is to be initiated by them.

9. We have gone through the records of the case and have considered the rival contentions. Admittedly, the Headquarters Office, vide their letter dated 18.5.1983, merged the seniority with the Engineering Branch of the Delhi Division and the Headquarters Office, vide letter dated 17.11.1987, had directed the D.R.M., New Delhi to fix up the seniority of the applicants and also reclassify their posts. On 13.7.1988, the Chief Public Relations Officer, Public Relations Office, wrote to the Divisional Railway Manager, Northern Railway, that the Headquarters Office had transferred the posts of Semi-Skilled Carpenters to the Division vide their letter dated 18.5.1983 and that the applicants should be given due seniority. It was added that the Headquarters had desired that the question of reclassification of semi-skilled posts held by the applicants be examined and finalised in terms of Railway Board's letter dated 13.11.1982.

10. The only question arising for consideration relates to the implementation of the decision taken by the Railway Board regarding the classification of the posts held by the applicants and assigning them their due seniority so that they could be given promotion in their turn. The pleadings disclose lack of coordination between the various agencies

of the same respondent, namely, the Union of India. This is unfortunate.

11. In the conspectus of the facts and circumstances, we allow the present application and dispose it of with the following orders and directions:-

- (i) The respondents are directed to classify the posts of the applicants as skilled Carpenters and refix their seniority in terms of Railway Board's orders dated 13.11.1982.
- (ii) The applicants would be entitled to all the consequential benefits, including arrears of pay and allowances from 1.1.1982.
- (iii) The respondents shall comply with the above directions within a period of three months from the date of communication of this order.
- (iv) There will be no order as to costs.

Deekshabandhu  
(D. K. Chakravorty)  
Administrative Member

11/11/89  
(P. K. Kartha)  
Vice-Chairman (Judl.)