

Central Administrative Tribunal  
Principal Bench, New Delhi

New Delhi this the day of 25th July 1995. OA No.1049/91

(B)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

1. Prasidh Singh  
Khalasi  
Chief Traction Foremen., TRD,  
Central Railway  
Jhansi
2. Shamim Izaz  
Khalasi  
-do-
3. Ram Chander  
Khalasi  
-do-
4. Tej Pal Singh  
Khalasi  
-do-
5. Ram Kishan Yadav  
Khalasi  
-do-
6. Suman Singh  
Khalasi  
-do-
7. Shiv Charan  
Khalasi  
-do-
8. Gorakh Nath  
Khalasi  
-do-  
...Applicants.

(By Advocate: Shri K.N.R.Pillai)

Versus

1. The Secretary  
Railway Board  
New Delhi
2. Divisional Railway Manager  
Central Railway, Jhansi.
3. Om Prakash  
Carpenter (SK)  
TRD Department  
Central Railway, Jhansi.
3. Ganga Ram  
Mechanic (SK)  
TRD Department  
Central Railway, Jhansi.
5. Khushi Ram  
Hammerman (SS)  
TRD Department  
Central Railway, Jhansi.

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6. Sunder Singh  
Hammerman (SS)  
TRD Department  
Central Railway  
Agra Cantt.
7. Manji Lal  
Hammerman (SS)  
TRD Department, Central Railway  
Jhansi.
8. Veerbhan Singh  
Hammerman (SS)  
TRD Department, Central Railway  
Gwailior
9. Gajjo Ram  
Mason (SK)  
TRD Department, Central Railway  
Jhansi.  
(By Advocate: Shri H.K.Gangwani)

...Respondents.

O R D E R (ORAL)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicants, eight in number, are Khalasis working in the TRD Department of Jhansi Division of the Central Railway. According to the rules regarding promotion of Khalasis to skilled and semi-skilled artisans in the scale of Rs. 950-1500 and Rs. 800-1150, Khalasis with 3 years regular service are entitled to be trade tested. For filling up vacancies in skilled grade in the scale of Rs. 950-1500 and semi-skilled grade in the scale of Rs. 800-1150, a notification was issued on 11.10.89 calling upon candidates who are Khalasis with 3 years regular service. As the applicants had not completed the prescribed length of 3 years of regular service then, they were not eligible to apply for selection and therefore they did not apply. However, when as a result of the selection process, the results were published, the applicants to their surprise, found that one Om Prakash and one Ganga Ram who were juniors to the applicants, i.e. those who had less length of service than them, were selected and appointed in the category of skilled grade. Further, according to the applicants, when Trolleymen have totally different line of promotion the result revealed that trolleymen were also erroneously considered and promoted. Finding that persons junior to the applicants and those who did not come within the feeder category were erroneously promoted the applicants made a representation on 25.10.90 for which

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they did not receive any response. They had filed another representation dated 3.12.90, and it was thereafter, finding no response, the applicants filed this application praying for quashing of the promotion order dated 23/24.10.1990 (Annexure-II) and for a direction to the respondents to fill vacancies after giving an opportunity to all Khalasis of TRD department prescribing suitable length of service for eligibility.

2. The respondents in their reply contend that the allegation of the applicants that Trolleymen are not entitled to be considered for promotion towards skilled grade in Traction Department is not correct but they admit that two persons junior to the applicants namely, Om Prakash and Ganga Ram who did not fulfil the eligibility criteria were erroneously considered and promoted. However, the respondents contend that the applicants who did not have the requisite length of service to be considered for promotion on the basis of the notification issued in the year 1990 have no legitimate grievances to be redressed.

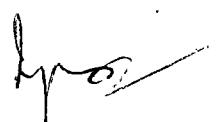
3. We have, with meticulous care, gone through the pleadings in the case as also the various documents placed on record. The respondents alongwith additional affidavit produced a chart which shows that Trolleymen are also entitled to be considered for promotion to the skilled grade. Therefore the contention of the applicants that promotion of the Trolleymen is erroneous will not stand. However, learned counsel for the applicant did not press this point.

4. Now coming to the question regarding promotion of Om Prakash and Ganga Ram, it is admitted that these two persons have less than the required service and have been promoted also. The respondents contend that this was done by mistake but the case of the applicants is that it was done with a view to confer some undue favour on them. Whatever the case is, the fact remains that the applicants who were senior to Om Prakash and Ganga Ram were left out of consideration

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for promotion while these two persons were promoted. Since no action has been taken by the respondents to rectify the mistake by reverting these two persons, it should be deemed that the department have relaxed the requirement of 3 years regular service as Khalasis in the case of Om Prakash and Ganga Ram. If the respondents have relaxed the requirement of 3 years of service, it is only reasonable that such relaxation should be given to those who are senior to them also. However, the only possible solution for this problem which was created probably by inadvertence of officers of comparatively lower level of the respondents is to direct the respondents to hold a trade test for the applicants at the earliest for ascertaining their suitability for appointment to the skilled grade and to appoint them on the existing or future vacancies, if they qualify in the trade test; to place them above Om Prakash and Ganga Ram respectively, according to their seniority in the grade of khalasis with consequential benefits and fix their pay accordingly. We direct the respondents to do so. However, the applicants shall not be entitled to any arrears of pay as a result of any such promotion.

With the above direction, the application is disposed of. The respondents shall comply with the directions within 4 months from the date of receipt of communication of this order.



(K. Muthukumar)  
Member (A)



(A.V. Haridasan)  
Vice Chairman (J)

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