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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.1990 OF 2004

New Delhi, this the 3<sup>rd</sup> day of February, 2005

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**  
**HON'BLE SHRI S.K. MALHOTRA, MEMBER (A)**

1. Afroz Ahmad
2. Ajeet Kumar Singh
3. Hari Mohan Tewari
4. Ram Bilas Gupta
5. Girdhari Lal
6. Chandra Shakhar
7. Bachan Ram
8. B.B. Agrawal
9. S.K. Srivastav
10. Dinesh Kumar
11. Shyam Singh
12. V.K. Raghav
13. Jai Prakash Singh
14. Rakesh Tomar
15. Pyare Lal
16. N.S. Yadav
17. A.K. Singhal
18. Dinesh Upanti
19. Devendra Kumar
20. Ramesh Kumar Gupta
21. P.C. Verma
22. K.K. Mandal
23. Raj Kumar Singh Rana
24. P.N. Parjapati
25. O.P. Saroj
26. Net Ram Sharma
27. Pradeep Kumar
28. Ram Prakash
29. Kaushpendra Singh

30. O.D. Sharma
31. Anil Kumar-II
32. H.S. Sisodia
33. Nand Lal Verma
34. Sandeep Kumar Sharma
35. Ratan Singh Jayas
36. Vinod Kumar Sharma
37. Atar Singh-II
38. Ajay Singh
39. Pramod Kumar Sharma
40. Resham Pal Singh
41. Rajesh Kumar Chandhari
42. Abhay Suman Rana
43. Virendr Pal Singh Yadav,

All are working a Diesel Assistant, at Northern Railway,  
Muradabad Division, Muradabad. ....Applicant.

(By Advocate : Shri Yogesh Sharma)

VERSUS

1. Union of India Through  
The General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
North Railway,  
Muradabad.

....Respondents.

(By Advocate : Shri Rajeev Bansal)

### **ORDER (ORAL)**

#### **SHRI SHANKER RAJU, MEMBER (J) :**

Applicants impugn respondents' orders dated 10.2.2004 and 14.9.2004 whereby the training period of 24 months has been treated as 'apprenticeship' period denying the applicants seniority as well as benefits of Assured Career Progression Scheme.

2. Applicants were through the Railway Recruitment Board appointed to the posts of Diesel Assistant in the grade of Rs.950-1500 and were sent

initially for the training where they have paid scale of pay with all allowances, including increments. The seniority list was issued on 10.2.2004 whereby the seniority of the applicants was reckoned after 24 months of their appointments in the grade of Diesel Assistant. Accordingly, they had been deprived of the benefit of Assured Career Progression Scheme as well.

3. Learned counsel of the applicants has relied upon the decision of the Apex Court in the case of *Kuttiyappan Vs. Union of India and others*, 1997(1) SLR (S.C.) 579 to contend that in case of seniority of direct recruit, the same would be reckoned from the date of entry into the grade. In this view of the matter, it is stated that Para 302 of IREM Vol.I provides seniority in the grade from the date of entry into the grade. It is further stated that as during of 24 months, the applicants were in the grade to which they were appointed depriving of seniority and consequential benefits is not legally sustainable.

4. Respondents' counsel Shri Rajeev Bansal filed the reply on behalf of the respondents and in the preliminary objection, it is stated that as the seniority has been assigned to the applicants from the date of commencement of pre-requisite training vide seniority list dated 23.8.2004 by adding 24 months. As such the present OA has rendered infructuous.

5. On careful consideration of the rival contentions of the parties and perusal of the material available on records, we find that the statement has been made by the respondents that the period of 24 months of training has indeed reckoned as initiation of the seniority of the applicants.

6. Having fortified in our view by the decision of the Apex Court in the case of *Kuttiyappa* (supra) and having regard to Para 302 of IREM, we are of the considered view that the applicants were directly recruited and the training is part of the process where they had entered into the grade. Having paid the pay scale including increments, the aforesaid period has to be



reckoned as the period in the regular grade with grant of statutory seniority from that date.

7. Accordingly, OA is allowed. Impugned orders are quashed and set aside. Respondents are directed to grant seniority to the applicants from the date, including 24 months of training period and they would be entitled for benefit of ACP Scheme in accordance with law after re-fixation of seniority from the date of entry in the grade with all consequential benefits. No costs.

  
(S.K. MALHOTRA)  
MEMBER (A)

  
(SHANKER RAJU)  
MEMBER (J)

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