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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A./T.A. NO. 2202/92 /19 **Decided on :** 4.1.96
1502/92, 1276/92, 2502/94 & 2503/94

I.R.T.S. Association & Anr. ... **Applicant(s)**

(By Shri mati Shyamala Pappu **Advocate)**
With Sh. B.S. Mainee.

versus

U.O.I. ... **Respondent(s)**

(By Shri K.K. Patel **Advocate)**

CORAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE SHRI DR. A. VEDAVALLI, MEMBER (J)

1. **To be referred to the Reporter or not ?** Yes

2. **Whether to be circulated to other Benches of the Tribunal ?** No

(DR. A. VEDAVALLI)
Member (J)

(S.R. ADIGE)
Member (A)

Calcutta.

(36)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 2202/92

New Delhi, dated the 4th JANUARY, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. The Indian Railways Technical
Supervisors Association,
Central Headquarters
32, Phase-6, Mohali Punjab,
Chandigarh-160055.
Registered Office:

A-145, Saraswati Vihar,
Delhi-110034.
Through the General Secretary
Shri Harchandan Singh.

2. Shri Harchandan Singh,
Shop Superintendent,
Railway Workshop,
Kalka. ..... APPLICANTS

(By Advocate: Smt. Shyamala Pappu
along with Shri B.S.Mainee)

VERSUS

1. Union of India through
the Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

3. The General Manager,
North Easter Railway,
Gorakhpur.

4. The General Manager,
Western Railway,
Church Gate,
Bombay.

5. The General Manager,
Central Railway,
Bombay - V.T.

6. The General Manager,
Eastern Railway,
Fairly place,
Calcutta.

7. [illegible]

7. The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta.

8. The General Manager,
South Central Railway,
Secunderabad.

9. The General Manager,
Southern Railway,
Madras.

10. The General Manager,
North Frontier Railway,
Guwahati.

11. The General Manager,
I.C.F., Perumbur,
Madras.

12. The General Manager,
D.L.W.
Varanasi.

13. The General Manager,
C.L.W.
Chittaranjan.

14. The General Manager,
Diesel Components Works,
patiala.

15. The General Manager,
R.C.F., Kapurthala.

16. The General Manager,
Wheel and Axle Plant,
Bangalore. ..... RESPONDENTS

(By Advocate: Shri K.K. patel)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this O.A. No.2202/92 the Indian Railways Tech. Supervisors Association through their General Secretary, Shri Harchandan Singh and one another have impugned the contents of Railway Board's letter dated 27.4.92 (Annexure A-1) rejecting the claim of

the applicants for grant of Group 'B' (Gazetted) status in the scale of Rs.2000-3200 and Rs.2375 - 3500.

2. Shortly stated these very applicants had filed O.A. 836/89 in the C.A.T., Principal (Division) Bench, New Delhi challenging the classification of posts in the scale of Rs.2000-3200 and Rs.2375-3500 as Group 'C' and claiming that the posts of technical supervisors in the above two pay scales be placed in Group 'B' (Gazetted) service, with all consequential benefits.

3. After completion of pleadings and hearing both the parties, the O.A. 836/89 was disposed of vide judgment dates 21.2.92, with the following directions:

> ".....,, we direct the respondents to consider the question of classification so as to do away with the anomaly of the type indicated above. Consequently, it is directed that the respondents reconsider the matter of placing the members of the Association in the grade of Rs.2000-3200, and Rs.2375-3500 in Group 'B' as has been done in the case of other Govt. servants like Accounts Officers (Rs.2375-3500) on Railway and Stenographers Grade Rs.2000-3200 in the Central Sectt. in the same scales within a period of four months from the date of receipt of a copy of this judgment. With these observations the O.A. stands disposed of finally. There shall be no order as to costs."

4. Pursuant to that judgment dated 21.2.92 the respondents issued detailed impugned letter dated 27.4.92 (Annexure A-1) rejecting the applicants' claim for Group 'B' status, for the detailed reasons contained in that letter.

5. Meanwhile it appears that other units of the Association filed similar O.As claiming the same relief in different benches of the Tribunal. One such O.A. bearing No.1038/92 was filed in the C.A.T., Madras (Division) Bench, who in their judgment dated 19.4.94 on that O.A., after noticing the CAT, Principal (Division) Bench judgment dated 21.2.92 in O.A. 936/89; held that the said decision did not amount to a direction to the Railways to grant the relief prayed for by the applicants, but only required the Respondents to go into the matter in depth, which they had done, vide their impugned order dated 27.4.92, and they had given adequate reasons for not making any change, which required no judicial interference. Hence O.A. No. 1038/92 was dismissed, and R.A. No.45/95 praying for review of that judgment was also subsequently dismissed on 27.4.95.

6. We have heard Smt. Shyamala Pappu for the applicant and Shri K.K. Patel for the Respondents.

7. Mrs. Pappu has taken us through the judgment dated 21.2.92 in O.A. No. 836/89 and has argued that as this judgment has clearly recognised the existing situation to be anomalous and the direction to the respondents was to do away with the anomaly, that direction could have been implemented by the respondents

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in only one way, namely to grant the relief prayed for by the applicants. Under the circumstances the respondents impugned letter dated 27.4.92 rejecting the relief prayed for was bad in law and had to be set aside. She further argued that as the judgment dated 19.4.94 (Supra) upheld the validity of the impugned letter dated 27.4.92, the said judgment conflicted with the judgment dated 21.2.92 in O.A. No. 836/89 and even if the Tribunal was unable to grant the relief prayed for by the applicant, in the present O.A., in view of the conflict of opinion between the Principal Bench and the Madras Bench, it was a fit case for the matter to be referred to the Full Bench.

8. On the other hand the respondents' counsel Shri patel urged that in the face of the CAT, Madras Bench judgment dated 19.4.94 and the rejection of the review petition on 27.4.95, the O.A. had to be dismissed and there were no grounds to refer the issue to a Full Bench because there was no conflict of opinion either. The Tribunal's judgment dated 21.2.92 had merely directed the respondents to reconsider the matter which they had done, and by the impugned order dated 27.4.92 they had rejected the reliefs prayed for by the applicants, and the same had been upheld by the CAT, Madras Bench in their judgment dated 19.4.94, which had extensively discussed the contents of the impugned judgment dated 21.2.92, and the Review petition in respect of that judgment dated 19.4.94 had also been dismissed on 27.4.95.

9. We have considered these rival contentions carefully.

10. We note that the CAT, Madras Bench ✓ Judgment dated 19.4.94 in O.A. No. 1038/92 had discussed in detail the judgment of the CAT, Principal Bench dated 21.2.92 in OA 836/89, and in respect of the direction contained in that judgment had observed as follows:

> "..... the decision of the Principal Bench did not amount to a direction to the Railways for reclassifying the applicants' posts as Group 'B' posts. It only gave a prima facie indication of an apparent anomaly as between the cadre and the other cadres in the Railways and the Railways were required to go into the matter. The Railways have shown that they have gone into the matter in depth and have given adequate reasons for not making any change.
>
> In the light of the discussion above, we hold that the applicants have not made out a case for interference on the grounds of arbitrariness or violation of any statutory rule.
>
> In the result the application fails and is dismissed without any order as to costs."

11. We also note that the R.A. No. 45/95 filed against the judgment in O.A. No. 1038/92 (Supra) has also been rejected on 27.4.95.

12. As the validity of the impugned order dated 27.4.92 rejecting the claim of the applicants for grant of Group 'B' (Gazetted) status in the scale of Rs.2000-3200 and Rs.2375-3500 has been upheld by the CAT, Madras (Division) Bench by judgment dated 19.4.94, we as a coordinate Division Bench are bound by that judgment and thus find ourselves unable to grant the relief prayed for by the applicants.

13. In so far as the prayer for referring the matter to a larger Bench is concerned, the same is equally untenable. As stated earlier, after discussing the contents of judgment dated 21.2.92 in OA No.836/89 at considerable length, the CAT, Madras (Division) Bench came to the well-considered decision that the said judgment only directed the Respondents to reconsider the matter in depth, which they had done vide impugned letter dated 27.4.92, which called for no judicial interference, as the same was neither arbitrary, nor violative of rules. The Review Application against that judgment was also dismissed by the CAT, Madras (Division) Bench. That being the position, to ask us to refer the matter to a larger Bench on the ground that there is a conflict of opinion between the CAT, Principal (Division) Bench and the CAT, Madras (Division) Bench, would in effect be asking us to sit in judgment over the findings of the CAT, Madras (Division) Bench, which we as a coordinate Division Bench, are not competent to do. Mrs. Pappu's assertion that the case of the applicants before the CAT, Madras (Division) Bench was not properly represented, and that the Madras unit represents only a fraction of the entire all-India cadre of Railway Technical Supervisors does not alter the above legal position. Under the circumstances we are unable to find good grounds to request the Registry to place this matter before the Hon'ble Chairman for being placed before a larger Bench either.

14. In the result we are unable to grant the relief prayed for by the applicants. This O.A. fails and is dismissed without costs. The prayer in MA-33/95 for referring the matter to a larger Bench is also rejected. Both counsel agree that the decision in O.A. No. 2202/92 would also cover O.A. Nos. 1502/92, 1276/92, 2502/94 and 2503/94. Accordingly those O.As are also dismissed.

15. Let a copy of this judgment be placed in all those case records also.

(DR. A. VEDAVALLI)
Member (J)

(S.R. ADIGE)
Member (A)

/GK/

Attested
(KAMLA DEVI)
Court Officer
Central Administrative Tribunal
Principal Bench, Faridkot House
New Delhi