

CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench

O.A. No. 1853 of 1992

(15)

New Delhi, dated the 18th November 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Raghbir Singh
S/o Shri Rati Ram
2. Shri Balbir Singh,
S/o Shri Khem Chand
3. Shri Bishamber,
S/o Shri Balai
4. Shri Subhash Chander,
S/o Shri Ram Narain
5. Shri Surjeet,
S/o Shri Sant Singh
6. Shri Bishamber,
S/o Shri Balwant
7. Sri Ram,
S/o Shri Hari Lal
8. Shri Ramavtar,
S/o Shri Ramanand
9. Shri Rattan Lal,
S/o Shri Mohan Lal
10. Ved Parkash
S/o Shri Lala Singh
11. Sita Ram,
S/o Shri Amar Singh
12. Mohan Lal,
S/o Shri Lakha Ram
13. Nathoo,.
S/o Shri Palthu
14. Yad Ram,
S/o Shri Amar Singh
15. Ram Kishan,
S/o Shri Mange Ram
16. Ashok Kumar,
S/o Shri Savitri Prasad
17. Dharam Pal,
S/o Shri Banwari Lal
18. Bhagwandas,
S/o Shri Dharam Singh
19. Bharat Singh
S/o Shri Gordhan
20. Haei Chand,
S/o Shri Lilu Ram

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21. Parsotamdas,
S/o Shri Mangat Ram
 22. Gopal Singh,
S/o Shri Jainarain
 23. Susil Kumar,
S/o Shri Indernath
 24. Om Parkash
S/o Shri Mohan Lal,
 25. Ram Bax Singh,
S/o Shri Kabul Singh
 26. Amar Nath,
S/o Shri Vijay Narain
 27. Ramesh Chander,
S/o Shri Ram Charan
 28. Narender Singh
s/o Shri Shyam Lal
 29. Sube Singh,
S/o Shri Umrao Singh
 30. Naresh Kumar,
S/o Shri Mulkhraj
 31. Gurcharan,
S/o Shri Sohan Lal
 32. Hari Om

33. Ashok Kumar,
S/o Shri Raj Lal
All the above applicants
are working in Loco Shed, Northern Railway,
Delhi Sarai Rohilla, Delhi. APPLICANTS

(By Advocate: Shri V.P. Sharma)

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Secretary,
Railway Board,
Rail Bhawan,
New Delhi.
3. The Divl. Railway Manager,
Northern Railway,
Bikaner.

... RESPONDENTS

(By Advocate: Shri R.L. Dhawan)

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J U D G M E N T

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

Applicants impugn the panel dated 16.6.92 (Annexure A-1) and seek a declaration that for the purpose of upgradation w.e.f. 1.1.84, they are not covered by Railway Board's circular dated 30.4.82 (Ann. A-10), but are entitled for promotion as Fireman 'A' on the basis of general seniority without any restriction of age or qualification.

2. By Railway Board's circular dated 24.6.77, 50% of vacancies of Fireman 'A' were to be filled by selection procedure from Fireman 'B' who studied upto 8th Class and were below 45 years of age, while the remaining 50% were to be filled by a departmental examination from Fireman 'B' & 'C' who were matriculates with three years Railway Service. If the Departmental Exam. failed to provide enough matriculates for the 50% quota, direct recruitment was to be made through the Railway Service Commission. The said orders dated 24.6.77 were kept in abeyance vide Board's letter dated 5.6.78, but were subsequently revived vide Railway Board's letter dated 30.4.82, a copy of which is taken on record.

3. Consequent to the cadre review and restructuring in Group 'C' 'D' categories in terms of Railway Board's letter dated 26.5.85 (Ann. A-10) 162 vacancies of Fireman 'A' were identified as on 1.1.84. The said circular modified the selection procedure to the extent that the selection would be based only on scrutiny of service records without any written and/or viva voce test. In all other respects, whatever selection procedure existed, was to continue, and manifestly therefore there was to be no departure from the contents of Respondents' circular dated 24.6.77, which after being kept in abeyance for some time, was revived by letter dated 30.4.82 and which had statutory force.

4. By order dated 3.11.87, the Railway Board in supercession of orders dated 19.8.81 and 30.4.82, directed that vacancies in grade of Fireman 'A' be filled 100% by promotion through selection but without any restriction of age or qualification. This inter alia was challenged in O.A. No. 621/90 Ram Kumar & Anr. Vs. UOI and connected cases. The CAT, P.B. in its judgment dated 30.7.91 in Ram Kumar's case (Supra) held that the vacancies of Fireman 'A' which arose prior to 1.1.86 were required to be filled up in accordance with the Rules which were in force prior to 1.1.86. As the vacancies in question which arose as a result of restructuring/cadre

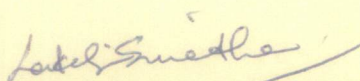
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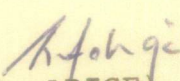
review arose were identified as on 1.1.84, manifestly the order dated 3.11.87 upon which considerable reliance as placed by Shri Sharma would not be applicable.

5. Shri Sharma also contended that sub-classification between middle passed Firemen and matric passed Firemen was not permissible and in this connection relied upon the Hon'ble Supreme Court's ruling in PSEB, Patiala and anr. Vs. R.K. Sharma 1986 (3) SLR 779. The fixation of quotas for middle passed Firemen and matric passed Firemen was made through respondents circular dated 24.6.77, which after being kept in abeyance vide Railway Board's letter dated 5.6.78, was revived vide letter dated 30.4.82. The vires of that circular dated 24.6.77 has not been challenged and under the circumstances we are not called to rule upon its validity and hence R.K. Sharma's case (Supra) also does not help the applicant.

6. In the result the O.A. warrants no interference. It is dismissed. No costs.


(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

/GK/


(S.R. ADIGE)
Vice Chairman (A)