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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.73/92.

Date of decision: 18-2-93.

Arjun Singh & Others

...Applicants

Versus

Union of India & Another

...Respondents

CORAM:

THE HON'BLE MR. S.P.MUKERJI, VICE-CHAIRMAN.
THE HON'BLE MR. C.J.ROY, MEMBER(A).

For the applicants

...Shri B.S.Mainee, Counsel

For the respondents

...Shri P.S.Mahendru, Counsel

JUDGMENT (ORAL)

(By Hon'ble Mr. C.J.Roy, Member(J) :

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 by the three applicants claiming relief that they should be given the benefit of the notification of the Government of India, Ministry of Railways, Railway Board dated 15-5-87 at Annexure A-1. This application is filed by three applicants. It is brought to our notice that they have also filed an MP under Section 4(5)(a) stating that they have common grievance and they are entitled to the same relief arising from the same cause of action. Hence, the same is allowed.

2. The facts of the case are that the applicants claim reliefs as per the directions in the judgment delivered by the Madras Bench, Hyderabad Bench, Principal Bench and Ernakulam Bench and in some of the OAs, the SLPs were taken to the Supreme Court by the respondents and they were

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dismissed. Under the circumstances, we are inclined to give the same direction as per OA No.1395/90 dated 2-12-91 delivered by the Principal Bench. At the outset, we would also like to mention that the applicants hereinabove were appointed as Commercial Apprentices in 1984 and they have prayed for the aforesaid reliefs which are mostly based on the notification cited at Annexure A-1. The applicants, after they were selected as Commercial Apprentices, have undergone one and a half years' training and they were appointed in the grade of Rs.1400-2300 and since then they are working. under this notification, several applicants were given the benefit of the revised pay scales. The operative part of Annexure A-1 is reproduced below:

- "i) The scheme of recruitment of Traffic and Commercial Apprentices should continue.
- ii) In future, the recruitment of these Apprentices should be made to grade Rs.550-700/1600-2600 (RP). Traffic Apprentices absorbed in the cadre of Section Controllers in scale of Rs.470-750/1400-2600 (RP) will be fixed at starting pay of Rs.1600/- on absorption. The recruitment of Traffic Apprentices may be suitably staggered in view of sub-para (viii) below.
- iii) The existing quota of 15% for open market recruitment and 10% for departmental candidates will continue to apply.
- iv) The qualification for recruitment will continue to be graduation except that in the case of Commercial Apprentices, the additional qualification of a degree in Law will not be necessary. Diploma in Rail Transport and Management from the Institute of Rail Transport, New Delhi, will be a desirable qualification.
- v) The standard of examination will be higher than is the case at present having regard to the fact that recruitment will be in a higher grade.
- vi) Commercial Apprentices will be recruited also for posts in scale of Rs.550-700/1600-2600(RP) in the commercial group, e.g. for posts of Chief Booking Clerk, Chief Parcel Clerk, Chief Goods Clerk, etc.
- vii) The syllabus for training of Traffic as well as Commercial Apprentices will be recast and updated with a view to broad-basing it so that Apprentices of one Department get adequate training relevant to the other Department also.

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- viii) Apprentices already under training will be absorbed only in scale of Rs.455/700(RS)/1400-2300(RP) or 470-750(RS)/1400-2600(RP), as the case may be for which they have been recruited.
- ix) No recruitment in scale Rs.455-700 (RS)/1400-2300(RP) will henceforth be made except to the extent panels have already been received by Railway Administration from the Railway Recruitment Boards in the case of open market quota and panels have already been published in the case of departmental quota.
- x) That Traffic/Commercial Apprentices working in the lower scale of Rs.1400-2300 if they get selected in the higher scale of Rs.1600-2600 will not be required to put to training again. They will, however, have to appear for and qualify final retention test alongwith their batchmates.

The grievance of the applicants is that the aforesaid orders of the Railway Board are illegal and discriminatory in so far as they relate to the Traffic/Commercial Apprentices who have already been selected and are undergoing training. According to them, the original scheme of 1954 is ordered to be continued even after the orders of 1987, but better pay scales have been provided for the Traffic/Commercial Apprentices to be recruited in future. The distinction between those recruited prior to the issue of the said orders and those recruited after the said date is discriminatory, particularly when the training duration continues to be two years.

They have averred that the Eastern Railway have already decided that the Traffic Apprentices appointed earlier will also be posted in the grade of Rs.1600-2600, vide orders dated 7.10.1988 (Annexure A-3). In the case of Commercial Apprentices, as per the new orders of the Railway Board, the eligibility criteria for future recruitment has been reduced inasmuch as the degree in Law prescribed earlier has been done away with for future recruitment, but a higher pay has been prescribed for the new recruits compared to that of the serving Commercial Apprentices. "

3. The grievance of the applicants is that the aforesaid order of the Railway Board is illegal and discriminatory insofar as they relate to the Commercial Apprentices. The original scheme was supposed to be started in 1954 and continued upto 1987. There is slight distinction between persons recruited prior to the issue of said notification and recruited subsequent to the said notification. This notification has already been followed by the Eastern Railway and executed to the effect that the Traffic Apprentices appointed earlier were also in the grade of Rs.1600-2600 but in the case of Commercial Apprentices, as per new orders of the Railway Board, the

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eligibility criteria has been reduced in as much as the law degree was introduced as a essential qualification but a higher pay scale has been prescribed for the posts of Traffic Apprentices only.

4. We have heard the learned counsel for both the parties and gone through the records. We are in complete agreement with the directions of the OA 1395/90.

5. In the result, we allow this OA with directions to the respondents that the applicants herein shall also be entitled to the higher scales of pay of Rs.1600-2600 w.e.f.15-5-87. Since these applicants have approached the Tribunal later on, the consequential benefits of the past arrears are restricted with effect from one year of the date of the filing of this OA. The respondents are directed to carry out this exercise within 3 months from the date of receipt of a copy of this judgment. The petition is disposed of with no order as to costs with the above observations.

W.R.
(C.J.ROY)
MEMBER(J)

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S.M.
18/2/93
(S.P.MUKERJI)
VICE-CHAIRMAN