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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A.No.840/93

New Delhi: this the 8th ~~September~~ ^{October}, 1997

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Shri Manohar Lal,
S/o Shri Sumar Chand

2. Shri Pyare Lal,
S/o Shri Khacheroo Ram,
Both Cleaning Jamadars,
Under Loco Foreman,
Northern Railway,
Saharanpur

..... Applicants.

(By Advocate: Shri B.S. Mainee)

Versus

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

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi

3. The Divisional Railway Manager,
Northern Railway,
Ambala

..... Respondents.

(None appeared)

JUDGMENT

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

Applicants seek a direction to respondents to upgrade the post of Cleaning Jamadar held by them from pay scale of Rs.800-1150 to Rs.950-1500 with consequential benefits.

2. Applicants contend that by Railway Board's letter dated 28.3.79 (copy not filed) unskilled staff were distributed in the ratio of 50: 10: 40 with the result that Cleaning Jamadars who were in the grade of Rs.200-250 (Rs.800-1150) were upgraded to Rs.260-400 (Rs.950-1500/-). They contend

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that the aforesaid instructions were communicated to G.M. Northern Railway vide letter dated 16.4.79 and were implemented by DMs Moradabad, Ferozepur, and other Divisions, but were not implemented in Delhi Division where applicants ^{are} ~~are~~ working (till such time as one of them who was in Saharanpur came under Ambala Division)

3. Applicants have impleaded G.M. Northern Railway, DM, Northern Railway, State Entry Road, New Delhi and DM, Northern Railway, Ambala as respondents. Railway Board has not been impleaded as respondent. Impleaded respondents state that artisan staff were distributed in ratio of 50-10-40 but there was no order for upgradation of the post of Cleaning Jamadar grade Rs.200-250 (Rs.800-1150) to Rs.260-400 (Rs.950-1500). There was only an order of SPO (M) to upgrade the post of Cleaning Jamadar from grade Rs.200-250 to Rs.260-400 by reducing equal number of posts on fitter side, but as change of classification could be done only by Railway Board the instructions / orders of SPO(M) were withdrawn. It is further submitted that SPO (M) orders were also implemented in Moradabad Division regarding upgradation, but later those orders were withdrawn by G.M. It is submitted that since no grade of Rs.950-1500 has been sanctioned for post of Cleaning Jamadar, applicants cannot be upgraded to the said scale.

4. Applicants in rejoinder state that it is not necessary for Railway Board to sanction

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upgradation, and GMs are competent to frame rules and upgrade posts.

5. As stated above, copy of Railway Board dated 28.3.79 relied upon by applicants has not been filed. Respondents too in their reply had stated that the GM's orders withdrawing those of SPO(M) in regard to Moradabad Division would be produced during hearing but the same was not produced either. We are therefore handicapped in adjudicating this matter in absence of full facts and documents.

6. However we notice that applicant had filed detailed representations to Respondent No.1 which appears to have remained unreplied to. One such representation is dated 22.8.92 (Annexure-A11). This OA is therefore disposed of with a direction to Respondents to examine the contents of representation dated 22.8.92 and dispose of the same by a detailed speaking and reasoned order within 3 months from the date of receipt of a copy of this order. In case as a result of aforesaid order, the applicants are entitled to upgradation of post, they will be entitled to consequential benefits from the date of filing of the present OA. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A)

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