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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

Q.A. No. 1072/93 New Delhi, dated the 28th April, 1995

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

Shri G.B. Lall,
S/o Shri M.B. Lall,
R/o D-64, Anand Vihar,
Delhi-110092.

(By Advocate Shri H.L. Bajaj) APPLICANT

VERSUS

Union of India through
the Secretary,
Ministry of Railways,
Railway Board, Government of India,
New Delhi.

(By Advocate Shri P.H. Ramchandani) RESPONDENTS

JUDGEMENT

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

In this application Shri G.B. Lall has prayed for pay fixation in the senior scale of Rs.3000-4500 w.e.f. 1.3.89 with arrears and consequent benefits including refixation of pension.

2. His case is that he originally ^{belonged} ~~deposited~~ to the Railway Board Sectt. Service (RBSS) and on 13.1.86 he was promoted against an ex-cadre post of Asstt. Traffic Costing Officer in Group B (Rs.2000-3500) on ad hoc basis. He states that Recruitment Rules for this post were framed only on 24.7.87 and he was made eligible to count his approved service in Group B only on 19.10.87, though he was empanelled on 9.11.87 and consequently had approved service of only 3 years in Group B on 19.10.90. He claims that his regular service in Group B should have been counted from 13.1.86 itself, and non-framing of Recruitment Rules in time made him lose 21 months of approved service

which could otherwise have been reckoned to his advantage for selection to the senior scale post of Deputy Director (Stat) Railway Board. He states that as no suitable officer was available, he was called upon to look after the routine duties of Deputy Director (Stat) w.e.f. 1.3.89 by operating the post as OSD (CA) Railway Board in Group B (Rs.2000-3500) plus Special Pay of Rs.150/- p.m. under Fⁿ 35 pending its being regularly ~~filled~~ ^{filled} up. He states that this arrangement was made because his qualifying service was ~~reckoned~~ ^{reckoned} as 2 years 7 months and he was not allowed the regular senior scale of Rs.3000-4500, but his approved service should have been reckoned at more than 4 years if calculated from 19.10.87 and 6 years if calculated from 13.1.86.

3. The respondents have challenged the OA in their reply and state that the applicant who originally belonged to the Asstts. Cadre in RBSS, on his own request was substantively appointed as Technical Asstt. in the Railway Board (Stat. Branch) w.e.f. 9.1.86 by severing his connections with the Assistants cadre, ^{and was} ~~in further appointed as A.T.C.O. on regular basis w.e.f. 19.10.87.~~ The post of ATCO is an ex-cadre post and has no further channel of promotion. While he was working as ATCO, the post of Deputy Director (Stat.) fell vacant on 22.8.89, and pending filling up the post on regular basis the applicant was directed to look after the post, where assumed charge on 1.3.89. As he was not eligible to hold the post, not even having completed the probationary period of 2 years for Group B posts such as ATCO, he was detailed to look after that post in his own grade plus Special Pay of Rs.150/- p.m. for shouldering

higher responsibilities. The respondents state that for promotion to Senior Scale posts of Deputy Director, a minimum of 8 years' regular service in Group B posts (Rs. 2000-3500) is required, whereas the applicant had completed only 1½ years service in Group B as ATCD (2000-3500) and was, therefore, clearly not eligible to hold the post of Dy. Director (Stat).

4. There is no specific rebuttal in the rejoinder that for promotion to the Senior Scale Posts of the Dy. Director, a minimum of 8 years' regular service in Group B post (Rs. 2000-3500/-) is essential as would be clear from the RBSS Rules extracted at Annexure-V. Furthermore, the order dated 27.6.89 (Annexure-III) calling upon the applicant to look after the duties of the post of OSD/Stat (CA), Railway Board w.e.f. 1.3.89 by operating the Senior Scale Posts of Dy. Director / Stat (CA), Railway Board in Group 'B' scale plus a special pay of Rs. 150/- under F.R. 35, pending filling up of the post of Dy. Director/Stat (CA) on regular basis, specifically states that this is a purely temporary arrangement and would not confer any right or claim for retention in these posts or promotion against such posts in future.

5. The applicant cannot make out any justifiable grievance that because of framing of Recruitment Rules for the post of ATCO and of the post of Dy. Director/STAT (CA) ^{took time,} the length of his approved service stood diminished and had the Recruitment Rules been framed earlier, he would have secured the necessary length of approved service. No malafides have been alleged against anyone as regards the time taken in framing the recruitment rules and in any case the framing of recruitment rules which involves

consultation at different levels with different agencies, is a procedure which is bound to take time.

6. Applicant's counsel Shri Bajaj has sought to fortify his arguments with certain rulings on the point of limitation, equal work for equal pay, not arbitrariness, discrimination etc. None of these rulings are relevant in the facts and circumstances of this case because, as discussed above, the rulings as they stand, do not permit the grant of the relief claimed by the applicant. This O.A. therefore fails and is dismissed. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)