

A3

A3

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration(TA) no. 482 of 1986

Lachiman Ram and others .... plaintiffs  
applicants.

Versus

Union of India and others .... Defendants  
Respondents

Hon'ble D.S.Misra,A.M.

Hon'ble G.S.Sharma,JM.

( Delivered by Hon'ble D.S.Misra)

This is an original suit (no. 308 of 1984)

which was pending in the court of 9th Addl.

Munsif,Varanasi and has come on transfer under

Section 29 of the A.T.Act XIII of 1985.

2. This suit has been filed by Lachiman Ram and 21 others seeking declaration that the plaintiffs are entitled to promotion to the post of Assistant Yard Supervisor /Assistant Yard Master in the scale Rs. 330-560 and Rs.455-700 from the date juniors to the plaintiff and 6 other persons were promoted. The plaintiffs were working as Shunting Operator,or Shunting Jamadar,or Shuntman under the Station Superintendent Northern Railway, Varanasi. The Sr. Divisional Personnel Officer,Northern Railway, Lucknow vide its order dated 5.6.80 invited applications for promotion as Assistant Yard Supervisorin grade Rs. 330-560 subject to qualifying the promotional course P-5 from Zonal training School Chandausi. It is alleged that the Station Superintendent, N.R. Varanasi in collusion with certain persons fabricated and manipulated the matter in such a manner that the letter dated 5.6.1980 was never circulated among the

BL

plaintiffs either personally, or through the notice board. It is further alleged that the Divisional Railway Manager, N.R. Lucknow(defendant no.2) selected S/Sri Jai Govind Misra and five others, who were junior to the plaintiffs. The post of Asstt. Yard Supervisor scale Rs.330-560 was upgraded w.e.f. 1.9.1983 and redesignated as AYM, scale 455-700. The plaintiff have prayed that they may also be promoted to the scale of Rs.455-700 w.e.f. 1.9.1983.

3. In the reply filed on behalf of the defendants, the claim of the plaintiffs is contested and it is stated that the letter/5.6.1980 issued by defendant no.2 inviting applications for holding a selection for promotion to the post of Asstt. Yard Supervisor Grade Rs.330-560 was issued and those from amongst the plaintiffs who were eligible, applied for consideration; that wide publicity was given to this notice by posting a copy of the said notice to all concerned, and a copy of the said notice was also pasted on the notice board provided at conspicuous places; that from amongst the plaintiffs, S/Sri Hans Lal, Gulab Nath Yadav, Shambhoo Nath and Daljeet Ram fulfilled the eligibility condition and applied for being considered for promotion; that out of these four, only Sri Daljeet Ram plaintiff no.22 qualified in the eligibility test and after undergoing P.5 promotional course, he was promoted as Asstt. Yard Supervisor Grade Rs.330-560 and is working as such since 1980; that six persons mentioned in para 8 of the plaint were matriculate and fulfilled the eligibility conditions

Hb

on the crucial date in terms of G.M., N.R., letter dated  
7.4.1976; that these six persons were promoted/11.12.80  
after passing suitability tests and the P.5 promotional  
course ~~wxxxfxxxkkkk2xxk999~~. It is denied that these  
persons were juniors to the plaintiffs.

4. On an application, filed on behalf of the plaintiffs, the defendants filed copy of General Manager, N.R.'s letter dated 7.4.76 on the subject of channel of promotion charts of transportation staff and a copy of letter dated 5.6.1980 issued by the Senior Divisional Personnel Officer, N.R., Lucknow containing the notice for filling up the post of Asstt. Yard Supervisor in the scale of Rs.330-560.

5. We have heard the arguments of the learned counsel for the parties. It was contended on behalf of the plaintiffs that the promotional chart of transportation staff indicated in the letter dated 7.4.1976 ~~mentioned above~~ does not include the category of levermen and they/eligible for promotion as Assistant Yard Supervisor. On going through the letter dated 7.4.86, it is found that this list does not include the category of Asstt. Yard Supervisor scale Rs. 330-560, but it does include the category of Yard Foreman/Asstt. Yard Master scale Rs. 330-560. The promotion chart provides for filling in the posts of Yard Foreman/Asstt. Yard Master grade Rs. 330-560 from amongst the following:

1.Trains Clerks	40%
2.Shunting Masters/ Shunting Jamadar/ Gunner.	40%
3.Cabin Man	20%

158

It also prescribes qualifications for the above mentioned category of officials eligible for promotion. In the letter dated 5.6.1980 issued by the Senior Divisional Personnel Officer, N.R.Lucknow, the quota for the various categories as mentioned in the letter dated 7.4.76 has been maintained. In the 20 per cent quota allocated to the category of Switchman and Cabinman, the holders of the posts of levermen in the scale Rs.210-280 and Rs.200-250 have also been made eligible for promotion. It will, thus, be seen that the 40% quota reserved for the category of Shunting Jamadars and Shunting Masters etc. was a separate quota and the plaintiffs were entitled for promotion subject to their eligibility etc, only against their quota. The inclusion of levermen for promotion against 20 % quota provided for switchman/cabinman did not effect the promotion prospect of the plaintiffs and the plaintiffs can not have any grievance against the promotion of levermen against 20 per cent quota.

6. We are of the opinion that the grievance of the plaintiffs against the promotion of six levermen is misplaced. The other grievance of the plaintiffs that the letter dated 5.6.80 of the Sr. Divisional Personnel Officer inviting applications was not published or placed on the notice board has been emphatically denied by the plaintiffs. This assertion of the defendants is supported by their further assertions that 4 of the 22 ~~defendants~~ <sup>plaintiffs</sup> had actually applied for promotion and that only one of them qualified in the eligibility tests and was also

*Shm*

promoted in the year 1980. We are of the opinion that there is no substance in this allegation of the plaintiffs. We are of the view that the plaintiffs had failed to fulfill the eligibility conditions for promotion as Asstt. Yard Supervisor in the year 1980 and the suit for declaration has no force. So far as their promotion as Asstt. Yard Master in the scale Rs.455-700 w.e.f. 1.9.1983 is concerned, the defendants have stated that the promotion of persons holding the posts of Asstt. Yard Supervisor in the scale Rs.330-560 was as a result of restructuring and upgradation of the scale of pay and redesignation of the post as Asstt. Yard Master. It follows that persons who were already working as Asstt. Yard Supervisor in the scale Rs.330-560 are being promoted in the scale Rs.455-700 and redesignated as Asstt. Yard Master. As the plaintiffs had not been promoted as Asstt. Yard Supervisor, their claim for promotion as Asstt. Yard Master Scale Rs.455-700 w.e.f. 1.9. 1983 does not arise.

For the reasons mentioned above, there is no merit in the suit and the same is dismissed without any order as to costs.

Sharma  
A.M. 30-5-88

*Sharma*  
J.M.

JS/ 5.1988