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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

T.A. 1334/87 (T)

Writ Petition No. 11076/1984.

Suresh Sharan Sinha

..Petitioner.

versus

Union of India & ors.

..Respondents.

Hon. Mr. D.K. Agrawal, Judicial Member.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. K. Obayya, A.M.)

Writ Petition No. 11076/84 was filed in the High Court of Judicature at Allahabad and stood transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985 and registered as T.A. 1334/87. The prayer of the petitioner in this case is for issuance of a direction to respondents to promote him to the scale of Rs 840-1040 and to quash the order dated 12/16.6.84<sup>and</sup> to give seniority to the petitioner at serial No. 1 as Wagon Movement Inspector. The case of the petitioner is that he was appointed as Guard in North Eastern Railway in 1959. After suitability test, he was promoted as Assistant Traffic Inspector in the scale of 425-640. He was appointed as Wagon Movement Inspector on adhoc basis in the same scale. Later his services were regularised in the post of Wagon Movement Inspector (WMI) as he was found suitable for that post in selection. In the selection test held for the post of W.M.I., he was placed at serial No. 1. He was further promoted as Senior Wagon Movement Inspector (S.W.M.I.) in the scale of Rs 550-750 and in the

seniority list notified in 1982, he stood at serial No. 1 among the Senior Wagon Movement Inspectors.

2. In 1983, the Railway Board issued orders for cadre review and restructuring of non-gazetted cadres (Annexure -3). These orders were given effect from 1.1.1984. This restructuring envisaged upgradation of posts of amalgamation of certain others. In the cadre of Wagon Movement Inspectors, there was upgradation to the extent of 53% <sup>A-Post</sup> and a number of posts <sup>12</sup> were upgraded at different levels came to 12.

3. The contention of the petitioner is that one post has been upgraded to the scale of Rs 840-1040 and being the senior most among WMIs, he should be given that post. He assails the order of the Board of restructuring on the ground that the amalgamation of WMIs with Traffic Inspectors is irregular and arbitrary.

4. In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner appeared for the suitability test for the post of Assistant Traffic Inspector and having been found suitable, he was promoted to the post of Assistant Traffic Inspector in the scale of Rs 425-640. In 1975, the post of W.M.I. was created on adhoc basis, later there was a selection test in which the petitioner appeared and having been successful in the test, he was promoted to the post of Wagon Movement Inspector in the scale of Rs 425-700 by order dated 5.1.1977. The petitioner gave his option for the post of Wagon Movement Inspector and on the basis of selection and result he was placed at serial No. 1 on the panel. It is not denied that the petitioner was placed at serial No. 1 <sup>in the Test</sup> at the seniority list in the cadre of W.M.I.s. It is further stated that the petitioner appeared for the selection test of Traffic Inspector, as at that time there was no post of Wagon

Movement Inspector in the scale of Rs 700-900 but the petitioner did not qualify. It is also stated, as a result of cadre review and restructuring the post of W.M.I. and Traffic Inspector were amalgamated. The combined seniority list was prepared. At the seniority list, the seniority position of the petitioner was at No. 10. The respondents have also denied that there is a post of Wagon Movement Inspector (Rs 840-1040) separately and cadre is combined.

5. We have heard the counsel for the petitioner as well as the respondents and perused the record. The controversy is whether the cadre of Wagon Movement Inspector is separate or it is amalgamated with the <sup>Cadre</sup> post of Traffic Inspector. The learned counsel for the respondents urged before us that the post of WMIs were created on adhoc basis and continued on adhoc basis and that sanction for these posts expired in 1985. In the Railway Board restructuring of the cadres, the cadre of W.M.I.s was merged with Traffic Inspectors and <sup>the</sup> cadre of WMI was only temporary and that <sup>the Petitioner</sup> uncommon seniority was fixed at serial No. 10 and this fixation is correct. It was also urged that there is no independent post of Wagon Movement Inspector in the scale of Rs 840-1040 and that it is a part of amalgamated cadre and the promotion to that post was given on the basis of seniority. The learned counsel for the petitioner, on the other hand, urged that the W.M.I. cadre is separate cadre and the petitioner was placed at serial No. 1 in the seniority list and as such one post of S.W.M.I. may be given to the petitioner by virtue of his seniority.

6. We have carefully gone through the Railway Board circular dated 28.12.1983 which is relied upon by both the

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of statement accompanying the circular (Annexure II) parties. In paragraph 6/ the relevant portion reads as under:

**Traffic/Movement Inspectors:**

	Existing %	Revised
i) 425-640	50	24
ii) 455-700	35	
iii) 550-750	30	23
iv) 700-900	30	53
v) 840-1040	10% of posts in grade Rs 700-900)	(10% of posts in Grade Rs 700-900)

Note: While calculating number of posts on the basis of revised percentage in those two categories posts in grade Rs 455-700 may be reduced to the extent the posts are operated in grade Rs 425-640. It is the intention that posts in Rs 425-640 wherever existing should continue in the same grade."

From the reading of this, it is evident that the posts of Traffic/Movement Inspectors constitute one category and that there is no separate post earmarked for Wagon Movement Inspectors. This arises out of a policy decision of Railway Board. We are of the view that the Railway Board is competent to take decision on the policy of amalgamation and restructuring of the cadres in the overall interest of the administration keeping in view promotional avenues in different cadres.

7. Taking the facts and circumstances of the case, it is no doubt true that the petitioner was found in the selection for the post of Assistant Traffic Inspector and also Wagon Movement Inspector. He also gave his option

to the post of Wagon Movement Inspector. The posts of Wagon Movement Inspector were adhoc and temporary and as such they were amalgamated in one cadre alongwith Traffic Inspectors; thereby channel of promotion for W.M.Is as T.Is was common on the basis of combined seniority list. The petitioner, no doubt has a case if there was a separate cadre for W.M.I. That being not the case, he has to take his place in the combined seniority list. The record shows that he has not been denied his due grade in this combined seniority.

8. In the result we hold that there is no force in the petition and accordingly we dismiss the petition.

*D. Bhargav*  
Adm. Member.

17/8/90

*D.K. Ganesan*  
Judl. Member. 17.8.90.

August 17, 1990