

CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALIA HABAD

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Registration T.A. No. 1986 - 87

A.P. Singh ..... Petitioner

vs.

General Manager Eastern Railway  
and others ..... Respondents

Hon' Mr D.K. Agrawal, J.M.

Hon' Mr K. Obayya, A.M.

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

Writ Petition No. 269 of 1984 filed in the High Court of Judicature at Allahabad for a direction to the respondents to regularise services of the petitioner in the post of Traffic Inspector and fix his seniority with effect from 30-10-1978 or 1980 and to restrain the respondents from reverting the petitioner to a lower post, was received in this Tribunal on transfer under section 29 of the Administrative Tribunals' Act, 1985 for disposal.

2. The petitioner was recruited on 30-10-1975 as Traffic Apprentice in the Eastern Railway. The recruitment was in the Sports quota under the discretionary powers vested with the General Manager. The petitioner was to undergo training for a period of 3 years during which he would be on the scale of Rs.425 - 540 and after training to be posted as Traffic Inspector in the grade of Rs.450 - 700.

3. The petitioner completed the training successfully and was put on the grade of Rs.455 - 700, and posted as P.A./ASM in 1979. Later he was transferred as Assistant Station Master Mughalsarai, and from there as Yard Master, Mughalsarai. He was posted as Traffic Inspector on ad-hoc basis on 1-7-1980. By a further order dated 29.8.81, he was placed as Traffic Inspector Grade III. This was also on

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ad-hoc basis. The petitioner was informed that as per the policy and guide-lines issued by the Railway Board posting of Traffic Inspector would be on the basis of selection and he was advised to make an application to be called for selection and empanelment. The list of candidates to appear before the Selection Committee was announced on 24.9.1983. The petitioner's name was not included in this list. Aggrieved by this he filed the writ petition and continued on the post due to Court order.

4. The petitioners' case is that he was recruited in 1975 and the policy formulated in 1978 whereby selection process was introduced for appointment as Traffic Inspector should not be made applicable to him. His further plea is that since the initial appointment letter indicated that he would be posted as "Traffic Inspector" after completion of training, he should not be subjected to further selection and he should be deemed to be Traffic Inspector on completion of training.

5. He made several representations to the authorities in this regard, but was informed that the post was a selection post and unless he appears before a Selection Committee he would not be considered for the post of Traffic Inspector.

6. In their counter, the respondents have stated that the appointment of Traffic Inspector is by selection, where, one has to take written and oral test; and Traffic Apprentices after initial training of 3 years are posted as Cabin A.S.M. or P.A.; Assistant Yard Master etc. for two years to enable them to acquire adequate field experience about the work in the Station and the Yard, and this has a direct bearing on the safe running of the trains. After that they have to face a selection for the post of Traffic Inspector. Their further contention is that no Traffic Apprentice has ever been posted as Traffic Inspector on completion of 3 years training. The

petitioner was appointed as Traffic Inspector on ad-hoc basis and he could not claim his regular promotion. The Policy and guide-lines regarding appointment to this post have been issued by the Railway Board. According to them, <sup>mention of</sup> ~~petitioners'~~ "appointment as Traffic Inspector" after completion of training <sup>in the initial order</sup> was due to a mistake.

7. We have heard the counsel. We have gone through the record carefully. The initial appointment letter to the petitioner issued on 30-10-1975, mentions clearly that the petitioner after training would be appointed as "Traffic Inspector". After completion of training, the petitioner was eligible for posting in 1979, and presumably in the intervening period policy guide-lines, selection process, written and oral tests for the post of Traffic Inspector came into operation. ( Policy No.E-834/2-Trans-line is dated 29.3.1978).

8. The petitioner was undoubtedly under the impression that <sup>would</sup> ~~he~~ be posted as Traffic Inspector after training straight way and looked forward to further career in that line. As selection and test were prescribed after the petitioner went for training, it would not be fair to subject him to selection at this distance of time, especially such a selection being not a pre-condition for posting as Traffic Inspector at that time.

9. The instructions and guide-lines introduced by the Railway Board provide for 3 years basic training and 2 years exposure as A.S.M., Yard Master etc. so that one becomes familiar to the day-to-day problems in working of the Station and safety measures required to be taken in running trains etc., in other words this would amount to extended training though not formally structured before a Traffic Apprentice is considered eligible to take the

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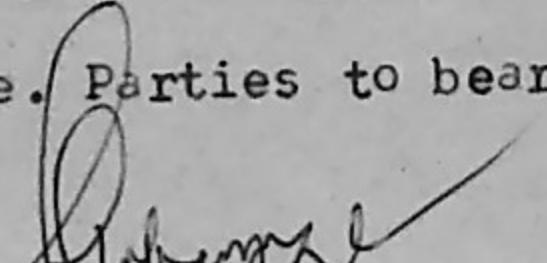
test for selection to the post of Traffic Inspector. Even on this recurring, the petitioner has completed five years exposure by 1980 when he received his first ad-hoc posting as Traffic Inspector, and was thus fully eligible to be considered for posting as Traffic Inspector.

10. Taking the circumstances and facts of the case, we are of the view that the petitioner has qualified himself to be considered for posting as Traffic Inspector even according to the criterial laid-down by the Railway Board, on regular basis in 1980, notwithstanding inadvertence in mentioning, "would be appointed as Traffic Inspector after training" - occurring in the initial appointment order dated 30-10-75; and the respondents cannot justifiably deny the petitioner, the benefit of regularisation.

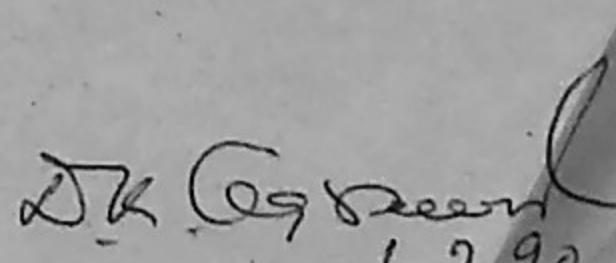
11. It is also noticed that the work of the petitioner has been found to be exemplary and distinguished and in appreciation of his work, testimonials and cash awards were also given. Such officers as the petitioner do deserve a pat from the Department.

12. We are of the view that the petitioner was eligible to be regularised as Traffic Inspector in 1980, as he had fulfilled the norm regarding qualifying service, and requiring him to appear before the Selection Committee would not be just, since that was not a pre-condition when he was sent for training as Traffic Apprentice in 1975.

13. In the circumstances we direct that the petitioner should not be subjected to further selection for posting as Traffic Inspector. His seniority as Traffic Inspector should be fixed according to rules from the date of his continuous officiation in that post. The petition is allowed as above. Parties to bear their costs.


 MEMBER (A)

(sns)

January/February 1990  
Allahabad.

 MEMBER (J) 1.2.90.