

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A.No.2016 of 1987 (T)
(O.S.No.170 of the Court of Munsif)
Kasganj.

85

S.K.Dutta

....

Plaintiff

Versus

General Manager, North
Eastern Railway, Gorakhpur
and Another

.... Defendants

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

Hon.Mr. S.N.Prasad, Member(J)

(By Hon.Mr.K.Obayya, Member(A))

Original Suit described above is before us under Section 29 of the Administrative Tribunals Act, 1985 and renumbered as T.A. No.2016/1987. In this Suit the plaintiff has prayed for a declaration that he is entitled for the benefits extended in the Railway Board's order No.PC.III/79/PS-3/17 dated 17.7.81.

2. The plaintiff was employed in the North Eastern Railway as a Guard 'B' S.Q.T.(Small Quick Transit) and he retired from the said post on 30.11.83 on superannuation. His case is that before retirement he was drawing maximum in the scale of Rs.330-560. This grade stood upgraded to Rs.425-600 as a result of Railway Board's order dated 17.7.81 on re-structuring of the cadre of Running Staff. The benefit of upgradation was given with effect from 1.6.81. His junior was promoted to this grade on 1.11.83. The plaintiff remained in service till 30.11.83 but he was not given the higher grade. He has also stated that he was entitled for stagnation increment with effect from

February, 1981 as he has reached the maximum in the scale of Rs.330-560.

3. In the reply, the stand taken by the defendants is that the plaintiff was only S.Q.T. Guard 'B' and not a passenger link Guard. The benefit of upgradation was available only to passenger Guards but not to the S.Q.T. Guard 'B'. They have denied that any junior of the plaintiff was given the upgradation or promotion to the higher grade. According to them, the plaintiff was very junior and he could not come up for promotion.

4. The learned counsel for the plaintiff was not present today. We have heard the learned counsel for the defendants Shri Prashant Mathur. We have also perused the record. The short point involved in this case is whether the plaintiff is entitled for the benefit of upgradation in higher scale in accordance with the orders on restructuring of cadre of Running Staff. So far as the point of stagnation is concerned, it is stated by the defendants that this point was considered and the plaintiff was given the benefit of stagnation increment of Rs.15/- per month with effect from 1.7.83 i.e. on the due date. In para 25 of the reply, the defendants have denied that any junior of the plaintiff was promoted. The seniority list has been filed by them as Annexure-2 and in this seniority list the name of the plaintiff is at Sl.No.32 and no junior to the plaintiff was promoted. On the question of benefit of higher scale following re-structuring, we have carefully gone through the relevant circular relied upon by the

(P)

plaintiff. Para 2 of the circular relates to Traffic Running Staff. The relevant extract reads as under :-

" Traffic Running Staff:

7) Passenger Guards : *p* To be attached to all Superfast and Express Trains.
425-640 Gd. 'A'
8) Passenger Guards : For passenger trains irrespective of the distance the existing passenger service guards in scale of Rs.330-560 will be upgraded to this scale.
425-600
9) Goods Guard grade : The guards working goods trains will be distributed in the proportion of 40:60 40% of the posts being in the scale of Rs.330-560 and 60% of the posts in scale Rs.330-560 respectively.
330-560

2. The Ministry of Railways desire that upgradation of posts of Loco and Traffic Running staff as per the above restructuring should be immediately taken in hand and promotions of eligible staff ordered in accordance with the prescribed procedure. The arrears of pay and allowances due to the staff on this account should be paid with effect from 1.6.81 as early as possible."

5. From the above circular, it is clear that only passenger Guards 'A' and passenger Guards of other grades are covered for upgradation while Goods Guards are in grade Rs.330-560 and also in the lower grade of Rs.330-560. As the plaintiff was admittedly not a Passenger Guard but S.Q.T. Guard 'B', he is not entitled for higher grade. In the circumstances, we find that there is no case made out for any decree or declaration in favour of the plaintiff. The Suit has no force and accordingly it is dismissed. There is no order as to costs.

Dated the 9/5/1991 Member (3)
RKM

Shinde Member (A) *Rishabhajpal*