

## CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 270 of 1987

Mallan Masih ... ... Applicant

Versus

Union of India and Others ... ... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Chayya, Member(A)

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

The applicant was appointed in the Northern Railway in the month of January 16, 1986 in Artisan Category as Fitter Gr. C. Vide letter dated 10.7.1985 of the Railway Board reclassified the artisan staff in Railways to grant relief to unskilled, semi-skilled and skilled categories. By the same order it was also decided that the pay of reclassified staff will be done with effect from 1.1.84 and current payment from 1.7.1985. The reclassified staff was also entitled to lumpsum arrear from 1.1.84 to, 30.6.85 and skilled staff was given the arrear of Rs.400/- for implementation of reclassification the skilled staff was to be subjected to trade test to be upgraded from skilled to highly skilled or from highly skilled grade II. to highly skilled grade I and the Railway administration allotted the appropriate Trade Test syllabus. The applicant was not allowed to appear in the Trade Test. According to him his juniors were allowed to appear.

2. The applicant filed representation against the same and he was informed vide letter dated 23.6.86 that he refused to move out on transfer for one year promotion and also

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reverted and so he cannot claim the benefit of 6 months working. He made another representation pertaining to it and he approached this Tribunal.

3. The representation of the applicant was decided by the respondents vide letter dated 3.2.1987 and mentioned that the applicant has a right to be considered for promotion and the respondent is duly bound to take Trade test of the applicant and in case the applicant qualifies in the test, respondent has to reclassify the applicant in promoted grade of Rs.330-480(Higher skilled grade II on the basis of seniority and to put the applicant in proper place. The applicant infact started as a Khalasi. While working as Khalasi he was given an opportunity to work as S.S. Fitter on 6.10.78 but the applicant refused to join S.S. Fitter in the grade of Rs.210-290. It was provided in the letter dated 11.4.79 that the staff promoted during the period for one year will rank senior to the said category and accordingly the staff who were promoted became senior to him and in view of the seniority position all these persons except him were promoted in the grade of Rs.330-480 after having trade test and qualified for the promotion. The applicant being the junior most was not called for. It appears that out of 6 persons the applicant has refused the promotion and rest five of them were promoted. Years have been passed, the turn of the applicant must have come and if the applicant could not have been taken it within a period of one year, his case may now be considered and he

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may also be allowed to participate in the Trade Test ~~existing~~ ~~exist~~ and in case he passes in the Trade test he may also be promoted with effect from the date which he may be entitled. With these observations the application is partly allowed.

*R. D. B. S.*  
A.M.

*L*  
V.C.

Dated: 24th July, 1992:

(Uv)