

(6) *APZ*

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

O.A.NO. 752 of 1987

Bhagwan Dass & 22 others Applicants.

Versus

General Manager, Central Railway & others. Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

By means of this application, the applicants have prayed for that a direction may be issued to the respondents directing them to treat the applicants as having been promoted to Clerical Grade I (CGI) earlier to 1.4.80.

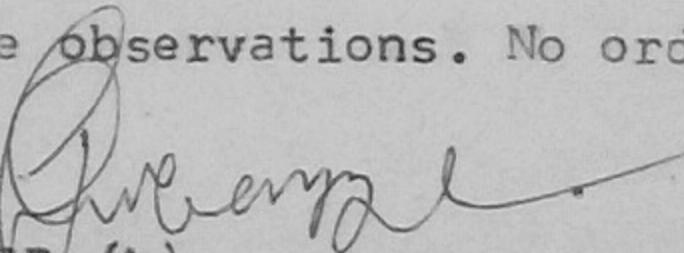
2. The applicants belong to the Accounts Department of Indian Railways and at the relevant point of time, they were working in the Central Railway at Jhansi. They entered the service as Class IV employees and were in due course of time promoted as Clerical Grade II during the period 1964 to 1970 and according to Para 167 contained in Indian Railway Establishment Manual, the channel of promotion in the Accounts Department for CG II is from Class IV staff, 20% by promotion and 80% by direct recruitment and for promotion to the post of CGI from CGII, the channel is 20% by direct recruitment and 80% by departmental promotion. Out of 80% promotional posts, 75% was from those who had passed Appendix II Examination and the remaining 25% by merit subject to rejection of being unfit. According to the channel of promotion for the post of CGI, all the applicants were duly qualified. The applicants had not passed Appendix II Examination and were eligible for 25% vacancies according to their merit and seniority. The applicants' grievance

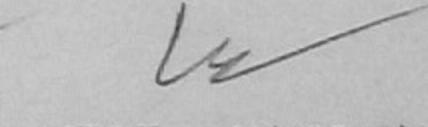
is that they are working as CG II from 1964 and attained seniority but they have not been promoted under the 25% promotional quota Scheme as CG I.

Vide Railway's letter dated 16.5.80, reorganisation of the Accounts Department on Railways took place and according to this reorganisational policy of promotion to the post of CGI, the extent of promotion was completely reversed, whereas before this policy, the extent of promotion was 80% of the vacancies and that of direct recruitment was 20% of the vacancies but under the new reorganisational policy, the direct recruitment was made 80% and promotion only 20%. Out of 80% promotion, 75% was from those CG II who had passed Appendix II Examination and 25% from CG II according to merit and seniority i.e. in the ratio of 15:5. The applicants made representation which was rejected on 1.7.83. Thereafter, they again filed representation but no reply was received by the applicants, that is why they approached this Tribunal.

3. The respondents have pointed out that the orders of the Railway Board were followed strictly and the persons from each of the three segments were promoted in accordance with the quota fixed for them. In regard to the vacancies that arose between 1.4.80 and 1.4.82 not due to upgradation but as a result of re-organisation due to normal accretion and these were to be filled up 80% by direct recruitment and 20% by promotion of qualified and unqualified staff in the ratio of 75:25. Regarding the applicants, it has been said that the staff who could not qualify ⁱⁿ the examination prescribed in Appendix II to IREM, were not entitled to the 50% vacancies but only 12.5% of such vacancies,

and the remaining 37.5% being reserved for those who qualified in the examination prescribed in Appendix II to IREM. Promotion against this 12.5% posts were duly ordered by considering the staff on the basis of their seniority position. and the applicants were not senior and those who were senior, were considered and promoted. The respondents tried to resist the claim of the applicants by stating that the application is barred by time as the applicants' representation was rejected in the year 1983. Even if their representation was rejected in 1983, there was a continuous cause of action and they deserve a right of promotion. The applicants have been working as CG II from 1964 but they have not been promoted till 1980 under the promotional Scheme and as such they are entitled for promotion. Accordingly, it is directed that the applicants shall be promoted as and when their turn comes under the 25% promotional quota Scheme. The application shall stand disposed of with the above observations. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: MARCH 27, 1992

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