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CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALIABAD

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Registration O.A. No. 103 of 1988

Zaffar Ahemed & others... Applicants

vs.

Chairman Railway Board & ors... Respondents

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

This application under section 19 of the Administrative Tribunals' Act No.XIII of 1985, has been filed for issue of a direction to the respondents to fix the pay of the applicants in the grade of Rs.700 - 900.

2. The applicants five in number are working as Assistant Yard Masters in the Allahabad Division of Northern Railway. Their case is that they were recruited in 1981 as Traffic Apprentices and deputed for training. The appointment order indicated that they would be on scale of Rs.455 - 700. During the training period, however, they would be eligible for stipend of Rs.425/- plus dearness allowance, as admissible under the rules.

3. The applicants completed training successfully and they were started on regular grade of Rs.455 -700. The contention of the applicants is that in the year, 1983, there was re-structuring of certain group 'C' and group 'D' categories and in this re-structuring, certain posts were upgraded. The scale of Rs.455 - 700 as such was revised to Rs.700 - 900, as such, they were entitled for this grade and they should have been given this grade, but not the old grade of Rs.455 - 700.

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But on completion of training, they were given the grade of Rs.455 - 700 only. Their claim is that the cadre of Yard Masters/Assistant Yard Masters has been designated as Deputy Chief Yard Master in the pay scale of Rs.700 - 900, and that scale along-with that designation should have been given to them.

4. So far as the facts of the case are concerned, there is not much dispute. The question is whether the applicants are entitled for the upgraded scale of Rs.700 - 900 and the revised designation as Deputy Chief Yard Masters on completion of the training, in pursuance of Railway Board's letter No.P.C. III/80/UPG/19 dated 29.7.83.

5. The contention of the respondents is that there was no whole-sale upgradation of the grade Rs.455 - 700 to Rs. 700 - 900 and that the up-gradation was only to the extent of 20% of the total posts and filling up the post was by process of selection. The applicants were still under training at that time and were not put on regular scale, were not entitled to the upgraded scale in preference to seniors already on regular grade.

6. Heard the counsel for both the parties. Both the counsel rely on the Board's letter dated 29.7.83 (Annexure-1 to the application). I have gone through this letter carefully. This letter was circulated to all the Divisional Railway Managers and others by a covering letter dated 5.8.83 from General Manager, Northern Railway (Headquarters Office) New Delhi; by this letter the Divisional Railway Managers and others were directed to implement Railway Board's orders on re-structuring of cadres expeditiously by 30.9.83 and compliance reported by 7.10.83. It is apparent from this letter that the benefit of up-gradation would be available only to those who are already holding regular posts and the applicants were still undergoing training

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as Apprentices at that time receiving stipend were not even on regular scale. Obviously the applicants were not entitled for the up-graded scale.

7. Para 2 of the Board's letter makes this position still clearer. The para reads as under :

" 2. This restructuring of the cadres will be with reference to the sanctioned cadre strength as on 1st August, 1983. The staff, who will be placed in the revised grades in terms of these orders, will be eligible to draw pay in higher grade from 1.8.83 with the benefit of proforma fixation from 1.8.1983. The benefit of proforma fixation will be admissible only to those staff, who are placed in the vacancies arising directly as a result of these restructuring orders. Pay of the staff, who have been promoted in the normal course to higher grades during the period 1/8/82 to 31.7.83 will be stepped up under the normal rules, with reference to the pay of their juniors, whose pay is fixed under these orders."

8. This leaves no doubt as to who the entitled persons are for the benefit of upgraded scale . Further, para 3.1(ii) is also relevant in this case:-

" 3.1(ii) Group 'C'

A) Where all the posts in an existing grade are enbloc placed in a higher grade, the existing regular incumbents thereof may be allowed the higher grade without subjecting them to any selection, even where the posts are now classified as "selection" posts. For example all the posts of switchman at present in the scale Rs.260 - 400 will be placed in the scale of Rs.330 - 560. Similarly having regard to the percentage prescribed for the category of shunting staff, all the existing posts of shunting Jamadars in the scale of Rs.225 -350 will be placed in the scale of Rs.330 - 480 or above. Hence, all the regular incumbents against these posts presently in the scale of Rs.225 - 350 will be allowed the scale of Rs.330 - 480 without subjecting them to any selection. "

The applicants seem to have been carried away by the mention in this paragraph that ;

" Where all the posts in an existing grade are enbloc placed in a higher grade, the existing regular incumbents there of may be allowed the higher grade."

9. The Annexure to the circular brings out a very clear picture. Particulars about the categories existing scales, revised designations, revised scales of pay, percentage of posts upgraded etc. are given in this Annexure. It would be necessary to note the contents of the Annexure which are as under :

" STATEMENT INDICATING THE RESTRUCTURING OF GROUP 'C' & 'D' CADRE (ANNEXURE TO RAILWAY MINISTRY'S LETTER NO. PC/III/UPG/19 dt. 29.7.83.

Category	Existing scales (Rs)	Revised Designations	Revised scales of pay	%age of posts	Whether selection/ non selection	Remarks
<u>YARD MASTERS</u>						
23. Yard Super- visors/Asstt.	330-560	Asstt. Yard Masters	455 - 700	40	Selection	-
Yard Super- visors/Asstt.640	425 - 640	Yard Masters	550 - 750	40	non-Selection	-
Yard Masters.						
Yard Master/ Asstt.Yard Masters.	455-700	Dy Chief Yard Masters	700-900	20	Selection	-
Yard Masters	550-750	Chief Yard Masters	840-1040	10% of posts in scale of Rs.700-900	non-Selection.	-

Chief Yard Masters 700 - 900
Chief Yard Master 840-1040

Sd/- (K.Venkatesan)
Jt. Director Estt. (P&A) Rly Board

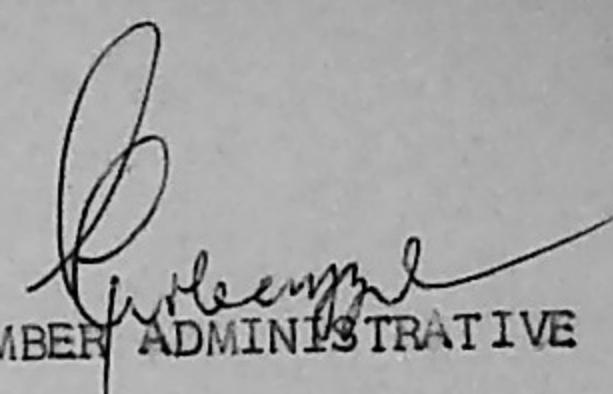
From the above, it is seen that the grade Rs.455 -700 of Yard Master-Assistant Yard Masters has been upgraded to the extent of 20% only and that appointment to this grade would be by process of selection and the new designation for this category is Dy Chief Yard Master.

10. Taking into consideration the Railway Board's letter in question, it is evident that the applicant's are not entitled for the up-graded scale immediately after completion

R. Venkatesan

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of their training and that they were given the grade of Rs. 455 - 700 correctly as they were juniors to those already in the service in the grade prior to 1984. They would however, be eligible for this upgradation as per their turn according to seniority as and when vacancies are available. The petition is disposed of as above. Parties to bear their costs.


Member Administrative

(sns)

February 28, 1990

Allahabad.