

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 31 day of March, 98.

O.A. No. 1377 of 92

HON. MR. S. DAYAL MEMBER(A)

HON. MR. J.P. SHARMA, MEMBER(J)

1. Om Prakash Yadav son of Sone Lal, resident of village Moti, P.O. Nibkarori, District Farrukhabad.
2. Lalmani son of Shri Jumai, resident of vill Kishunipur, P.O. Safipur-Handia, Distt. Allahabad.
3. Srinath resident of Shergarhh P.O. Kayasari, District Allahabad.
4. Naresh Chandra son of Sri Mool Chand, MIG, 75 Preetam Nagar, Allahabad.
5. Ashok Kumar Kanojia, 21, old Mumfordganj, Allahabad.
6. Ravendra Singh Sisodia son of Sri Bhoorey Singh Sisodia, resident of LIG 170, Govindnagar, Allahabad.
7. Sri Krishna Misra, 23/47/111 K, Kidwainagar, Allahapur, Allahabad.
8. Mohanlal son of Ram Prasad, House No. 252, Nayagaon Bhusoli Tola, Allahabad.
9. K.S. Salmani son of Shri Abdulla Salmani, resident of C-128, Kareli Scheme, Allahabad.
10. Lallu son of Shri Baij Nath, resident of village 1Dhuse, P.O. Peepalgaon, Distt. Allahabad.
11. Om Prakash Rajak, son of Ram Behari, resident of vill Shahjika Pura, Naini, Allahabad.
12. Mohan Lal, resident of GRP Police Line Colony, Block No. 294 E, Allahabad.
13. Devkinandan Rai No. 4 Officer Line Carriapa Road, Cantt. Allahabad.
14. Amritlal son of Shri Ram Jiawan, resident of Kuan Dih, P.O. Sarai Inyat, Distt. Allahabad.
15. R. am Bhawan son of Shri Ram Suchit, resident of vill. Peepalgaon, P.O. Peepalgaon, Distt. Allahabad.

16. Mohd. Shamim son of Sri Mohd. Alam Office of SEFO(AC) R.E. Office, Northern Rly. Allahabad.

17. Gauri Shanker son of Shiv Ram, resident of vill. Malakarejma, P.O. Kakodha, Distt. Allahabad.

18. Mohd. Siddiqui son of Shri Abdul Shakoor, resident of EWS 220 ADA Colony, Preetamnagar, Allahabad.

19. Sudhansu Chakravarti son of Shri K.P. Chakravarthi, resident of 470, Colonelganj, Allahabad.

20. Lalji Son of Bulaki resident of vill. Nai Jhunsi, P.O. Nai Jhunsi Distt. Allahabad.

21. Raju son of Shri Mahabir Pd. H/No. 1059, Mewalal Ka Ahata, Muthiganj, Allahabad.

Applicants.

By Advocate Shri K.S. Saksena.

versus

1. Union of India (General Manager, Northern Rly, Baroda House, New Delhi.)

2. Divisional Railway Manager, N Railway, Allahabad.

3. The Sr. Divisional Electrical (General) Northern Railway (DRM office), Allahabad

4. The Divisional Personnel Officer, Northern Rly (DRM Office), Allahabad.

Respondents.

By Advocate Shri A.K. Gaur.

O R D E R

HON. MR. J.P. SHARMA, MEMBER(J)

Lish
The applicants, who are working as class IV employees under SEFO/AC Allahabad have filed this O.A. with the prayer that the respondents be directed to fill up the promotional post of ACCI/ACM grade Rs 950-1500 (RPS) in the Air Condition section by excluding the staff of Training Lighting, power and that only the staff of Air Condition be called for filling up the above posts.

2. The applicants' case is that there are three independent separate sections under the Electrical general department viz. power, training lighting and air condition. Each of the sections has its independent

(9)

seniority group and the avenue of promotion. It is stated that there exist certain vacancies of ACCI/ACMs grade Rs 950-1500 in the air condition section and these vacancies are filled up by class IV staff of air condition by promotion as per existing procedure. It is further stated that A.C. section maintains separate seniority under it for the following categories of staff:

- A. Khalasi gr. 950-1500
- B. Helper Khakasis Gr. 810-1150
- C. AC Mechanic Gr. III Rs 950-1500
- D. A.C. Mechanic Gr. II Rs 1200-1800
- E. AC Mechanic Gr. I Rs 1320-20040
- F. A.C. Mistry Rs 1400-2300

In the recent past also class IV staff of the air condition section was promoted to the post of A.C. Mechanic grade III and no staff from train lighting and power were called for selection. It is alleged that contrary to the rules and procedure, the Divisional Personnel Officer Allahabad vide circular dated 30.7.92 (Annexure A-1) invited applications from the staff of Training lighting and power for the post of ACCI/ACMs and ignored the air condition staff to which these posts originally belong.

3. The respondents, in their counter have admitted that separate seniority of air condition, train lighting and power is being maintained. It is however, stated that avenue of channel of promotion of air condition, train lighting and power is combined and not independent. It is further stated that as per the revised channel of promotion issued by Headquarters office, G.M. (P), New Delhi, the avenue of promotion of class IV i.e. helper Khalasis of power and train lighting also exists alongwith class IV helper Khalasi grade 800-1150 of Air condition section in electrical general department. It has been further stated that the first preference has been given to class IV staff of air condition section

Lsh

110

working as Helper Khalasis who have completed 2 years service as such for promotion to the post of ACM after passing the requisite trade test. As regards calling the staff of power and train lighting for promotion to the post of ACCI/ACMs it has been stated that as required number of qualified hands could not be available from amongst the existing eligible class IV staff of air condition, applications were invited from power and train lighting staff also with a view to fill up remaining vacancies in the administrative and public interest. It has been admitted that the staff of power and train lighting have their avenues of promotion in their respective units, but it has been contended that they have also been provided avenues of promotion in air condition section.

4. The applicants have filed rejoinder to the counter. In the rejoinder, it has been stated that as per Anneuxre-1 to the counter only staff of air condition is eligible for promotion to the post of ACCI/ACMs. It is also stated that as per Annexure -2 filed with the counter, the respondents contention that the avenues of promotion to the post of ACCI/ACMs is also available to the staff of power and train lighting is not ^{Supported.} ~~seperate.~~

5. We have heard the arguments of the learned counsel for the applicants and respondents.

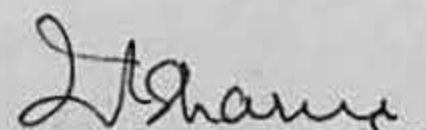
6. The only point for consideration is whether class IV staff of power and train lighting are eligible for promotion to the post ACM grade III. The respondents have filed Anneuxre-1 and Anneuxre-2 with the Counter. So far as Anneuxre-1 is concerned, it does not provide for class IV staff of power and train lighting for promotion to the post of ACCI/ACM. Annexure -2 also does not make the above staff of power and train lighting staff eligible for promotion to the post of A.C. Mechanic. The respondents in the Counter have stated that as per

Lush

revised order of General Manager(P) New Delhi, the class IV staff of train lighting and power is eligible for promotion to the post of A.C.M. The respondents have not filed the orders of General Manager(P). In view of the above facts, it cannot be held that the class IV staff of train lighting and power is eligible for promotion to the post of A.C.C.I/A.C.M. The contention of the applicants that only class IV staff of Air condition section is eligible for promotion to the post of A.C. Mechanic is ^{well} ~~yet~~ founded. The action of the respondents in not calling for class IV staff of the Air condition section for promotion to the post of A.C. Mechanic and calling the class IV staff of power and train lighting is arbitrary and against the channel of promotion.

7. The O.A. is therefore, fit to be allowed and is hereby allowed. The respondents are directed not to consider class IV staff of train lighting and power for promotion to the post of A.C.C.I/ACMs ^{and} ~~only~~ ^{consider class IV} ~~staff of air condition for the same~~ ^{staff of air condition for the same}

8. The respondents were directed vide order dated 28.9.92 to make the selection according to the rules. The respondents have stated that none from power and train lighting staff has so far been promoted as A.C.M. The O.A. is disposed of accordingly. No order as to costs.


MEMBER (J)


MEMBER (A)

Allahabad dated:

Shakeel/

19.3.98

(12)

OA 1377/92
LWH
OA 773/96

Hon. Mr S Dayal, AM.

Hon Mr J.P. Sharma, JM

Shri K.S. Saxena for the applicant.
Shri A.K. Gaur for the respondents.
Arguments heard. Judgment reserved.

OA 773/96 which was
listed alongwith this OA
in the past may be listed
separately now as the learned
counsel for the applicant
is not present. Shri A.K. Gaur
mentions that he had filed
CA. in the office on 24.1.97.
The same is not on record.
It may be traced out and
put up for order on

1.5.98.

JA
JM

JA
JM



Administrative Tribunal
LAHABAD BENCH

Dayal
Vice Chairman
Member (A)

ORDER in CCA/Rev./in
to 1377- of 1992
with for Consideration.

L. Sharma

1 concur
27/3/98

JA

FORM NO. 8
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Regd A/D

A Thornhill Road

Allahabad 201001

Application No.

1377

For

199

Dated:-

21.12.94.

Respondent (S)

Represented by

Advocate Shri

K. S. Saxena

1. The Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Senior Divisional Electrical (General) Northern Railway (DRM Office), Allahabad.
4. The Divisional Personnel Officer, Northern Railway (DRM Office), Allahabad.

Where as an application filed by the above name applicant under section 17 of the Administrative Tribunal Act, 1985, as in the copy annexed hereto upto has been registered and upon preliminary hearing the Tribunal has directed that you should be given an opportunity to show-cause why the application should not be admitted. The Tribunal has fixed on 7th day of March 1995. For final

order may be ~~xxxxxxx~~ filed within 4 weeks.

is hereby given to you to appear in this Bench in person or through a Legal Practitioner Presenting this matter at 10.30 A.M. to show-cause why the application be admitted. If you fail to appear, the application will be decided in your absence.

Under the seal of this Tribunal this the 21st

1995

of the Tribunal

For Registrar



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Review/Resto/Misc/appl. No. ~~2813~~ of 1933 and No 25187/38

IN

T.A./C.A./No. 1377

Of 1932

Sl. No. Office Report

Hon'ble Court's Order

O.R.

Writ Petition No 25187/38
 filed by ~~Singh Singh~~
 Union of India and others
 against the judgment dt
 31-3-38 passed in O A
 1377/32 ~~against others~~
 by Mr. Prakash Yadav
 Vs Union of India and
 others. Notice from High
 Court received to this
 Tribunal is submitted for
 perusal and orders.

500

Sd/-
1-12-38

Submitted.

12-
1-12-38

~~DA/9~~ Since we are formal
 party, No action. Keep
 on records. *[Signature]*
 02/11/38