

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 6th day of June 1997.

Original Application no. 1468 of 1992.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

1. Iqbal Ahmad, S/o Islam Ullah,
2. Ram Kishore Maurya, S/o Gajadhar Prasad
3. Laloo Lal, S/o Ram Autar
4. Surendra, S/o Jagdhar Yadav
5. Arun Kumar Singh, S/o Harikaran Singh
6. Moti Lal, S/o Sahdeo
7. George Adwin, S/o L.F. Punja
8. Mani Shanker Dwivedi S/o Ram Autar Dwivedi
9. Mani Shanker Dwivedi, S/o Ram Autar Dwivedi
10. Ram Abhilakh, S/o Duje,
Production Group, Northern Railway, Allahabad.
11. Mukhram, S/o Purushottam Ram
12. Yogambar Singh, S/o Inder Singh
13. Ramanuj Misra, S/o Triloki Nath Mishra
14. And Kumar Dube, S/o Ravindra Nath Dube
15. Mohammad Hasim, S/o Mohammad Adil
Mechanical Group, Northern Railway, Allahabad.
16. Sheo Shanker Shukla, S/o Ram Niwas Shukla
17. Ranveer Singh, S/o Hakim Singh.
18. Electrical Group, Northern Railway, Allahabad.
19. Pancham Singh, S/o Nanku Singh
20. Arun Shanker Gupta, S/o T.S. Gupta
21. Ramesh Kumar Bhatt. S/o S.N. Bhatt.

21. Ram Kishun, S/o Ram Kishore,
22. Pramod Ratan Khare, S/o S.R. Khare
23. Mahesh Chandra Yadav, S/o Chhote Lal
24. Kailash Nath Singh, S/o Gaya Singh.

I.T.I. Group, Northern Railway, Allahabad.

... Applicant.

C/A Shri G.D. Mukherji.

Versus

1. The Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Engineer (TSP), Baroda House, Northern Railway, New Delhi.
3. The Senior Engineer, Concrete Sleeper Plant, Northern Railway, Subedarganj, Allahabad.
4. The Deputy Chief Engineer, Northern Railway, Subedarganj, Concrete Sleeper Plant, Allahabad.

... Respondents.

C/R Shri A.K. Gaur.

O R D E R

Hon'ble Mr. S..Dayal, Member-A.

This is an application under section 19 of the administrative Tribunals Act, 1985.

2. The application has been made with the prayer for the following reliefs:-

- i. A direction for setting aside order dated 17.03.92 by which the applicants were promoted as skilled

artisan grade III in scale of Rs. 950-1500.

ii. A direction to the respondents to treat the applicants as having been promoted in the Grade of Rs. 950-1500 with effect from 25.11.90 as respondents have allegedly been taking work from the applicants in this Grade from that date.

iii. A direction to the respondents for payment of arrears of salary and allowances occurring from 25.11.90.

3. The case of the applicant as stated by them is that applicants nos. 1 to 17 were working as Khalasis since 1981, 1982 and 1983 in Production, Mechanical and Electrical Groups and they were Matriculates or had passed Intermediate. Applicants nos 18 to 24 were working as Khalasis in the above grades and were recruited for their technical qualifications. It is claimed that the next promotion of the applicant was in Grade III in the pay scale of Rs. 950-1500. The method of promotion is by selection and the applicants had to appear in the written test and had to pass viva-voce test. The applicants were declared to have qualified in the selection test for Grade III by two separate orders dated 25.05.90. It is claimed that they were deputed for training for six months and it is also claimed that after successful completion of their training, the respondents have been taking work of higher grades from them. It is mentioned that some I.T.I/ Diploma Holder Khalasi filed an application no. 264/90 in Allahabad Bench of Central Administrative Tribunal with prayer that they should be declared senior to Casual Khalasi and also to restrain the respondents from making the promotion of all Casual Khalasi during pendency of the application. The Tribunal passed interim stay order on

23-05.90 directing that the result of the written test which was to take place on 27.05.90 may ^{not} be declared. The OA 264/90 was finally decided and the stay was vacated and only after that the respondents issued the ~~order~~ impugned order dated 17.03.92. The claim is that the applicant should be paid higher scale of Rs. 950-1500 because the respondents had been taking work in this higher grade since 25.11.90.

4. Arguments of Shri S. Srivastava brief holder of Shri G.D. Mukherji learned counsel for the applicant and Shri A.K. Gaur learned counsel for the respondents were heard. The written pleadings have also been considered.

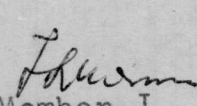
5. The applicant have claimed in the OA that the respondents were taking work in the higher grade from the applicants after completion of their six months training. They were, however, not paid the pay and allowances of higher grade due to stay order. The respondents have categoracally denied this averments of the applicants. They have said that the applicants were selected on the basis of educational qualification as prescribed in the Apprentices Act and that the order of formation of penal did not mention any specific period of training. They have stated that the applicants were absorbed after completion of prescribed training . They have denied that the applicants were working in the higher grade since 25.11.90 and said that they were eligible for higher grades only from 17.03.92 and that the period that ~~the~~ was treated as training. The respondents have said that since the applicats were under training and were not working against higher post, the question of payment of arrears on account of their work in higher grad does not arise.

6. Annexure 1 and 2 to the OA are lists of successful candidates selected against 25% educated category and 25% I.T.I. quota category and these 2 annexures only mentioned that their names would continue on the penal only if they completed the prescribed training successfully and maintained skill and efficiency and the performance of their duty. The applicant have produce no basis for claiming that the period of training was six months only. Since the respondents mentioned that the applicants were selected because they had qualification for being taken as apprentices under Apprentices Act, it can be presumed that their training period would have been as prescribed in the Apprentices Act which was not necessarily six months but could be 1 or 2 years depending on the trade and qualification of the employee.

7. We do not find any justification in the application for granting the relief claimed by the applicant. The application is, therefore, dismissed.

8. There shall be no order as to costs.


Member-A


Member-J

/pc/