

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 3rd Day of March, 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 159 of 1992.

Mohammad Sayeed,
son of Late Mohammad Wazeer,
C/O 1/3- Gulab Bari,
(Near Mansoor Park)
Allahabad.

. . . Applicant.

C/A Sri S.M.H. Zaidi, Adv.

Versus

1. Union of India
through General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Allahabad.
3. Sr. Divl. Personnel Officer,
Northern Railway,
DRM's. Office,
Allahabad.
4. Sr. Divisional Engineer-II
Northern Railway,
DRM's. Office,
Allahabad.

. . . Respondents.

C/R Sri J. Singh, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

This application has been filed seeking
direction to the respondents to promote the
applicant on the post of Junior Draftsman in the
scale of Rs.360-560 (R.P.S. 1200-2040). A direction
has also been sought to the respondents that the

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applicant may be given the salary of junior Draftsman in the said scale as he has been performing the job of Junior Draftsman for the last ten years.

2. The claim of the applicant in the O.A. is that he was originally appointed as casual labour on 24.4.72 and posted at Allahabad. He appeared in the screening in September 1975 and was declared successful and was absorbed in the Drawing Section of D.R.M's. Office, Allahabad as Ferro Khallasi by order dated 15.5.76. He was promoted to the post of tracer in the office D.R.M. Allahabad against sanction dated 28.2.82 for one month by order dated 1.3.82. He continued holding the post of tracer and his work received appreciation at the hands of superior authorities. The post of Tracer was frozen in 1985 and the Tracer who had not passed diploma in Draftsmanship and had completed five years of service as on 1.1.1984 were to be upgraded as Junior Draftsman in the scale of Rs.330-560. The applicant completed five years of service on 31.10.87 and he moved a representation to the Divisional Superintending Engineer for promotion to the post of Junior Draftsman. The Divisional Superintending Engineer recommended his case mentioning that in view of six years of service of the applicant who was designated as Tracer only, it would be appropriate if he was considered for promotion from Tracer to Draftsman. His case for promotion was again recommended by the Divisional Engineer Northern Railway Kanpur for promotion to the post of

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Draftsman on 9.8.1989 clearly mentioning that the applicant was discharging the duty of Tracer as well as Junior Draftsman and that he was working satisfactorily and was able to complete the job in time assigned to him. By another letter dated 22.8.91 the Divisional Engineer Kanpur wrote to Divisional Railway Manager, Allahabad that the applicant had been working for about ten years on the post of Tracer in the scale of Rs. 975-1500. He was being asked to prepare plans and sketch etc. and has worked with dedication, he should be considered for promotion to the post of Junior Draftsman. It has also been mentioned in this letter that one vacancy of Draftsman was lying vacant. The applicant has, however, not been promoted till date.

3. The arguments of Sri S.M.H. Zaidi, learned counsel for the applicant have been heard. The pleadings on record have been perused.

4. The respondents in their counter reply have mentioned that only regular Tracers are entitled for promotion on the basis of letter dated 25.6.85. Another ground of contesting the claim of the applicant is that his services had to be regularised on the post of Tracer. Only after that he could be promoted as Junior Draftsman. The third contention of the respondents is that there was no sanctioned post of Junior Draftsman in Kanpur.

5. As regards the first contention of the respondents it is true that only regular


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incumbents on the post of Tracer were to be considered for Junior Draftsman and those who completed five years after 1.1.84 were to be promoted by upgrading the post as Junior Draftsman as and when they completed five years of service on the basis of six monthly review from onwards. It has also been mentioned that the cadre of Tracer had been frozen. The implication of this letter to General Manager of Railway Board's letter No. PC-III/84-UPG/19 dated 25.6.85 are that the applicant can not be considered for the post of Junior Draftsman although he had been working as Tracer on Adhoc Basis for nearly 18 years now the respondents have raised the issue of regular employment in the counter reply without mentioning as to why the applicant despite appreciation of his services and grant of cash awards for work of Tracer had not been promoted as Tracer. The lapse of it appears on the part of respondents as there is no mention that the applicant had in any way been negligent towards claiming the regular post of Tracer as well as the post of Junior Draftsman. The respondents have mentioned that there was no post of Junior Draftsman but the Divisional Engineer Head Quarter, Northern Railway Kanpur had mentioned that a post of Draftsman existed and was lying vacant as exhibited in Annexure A-12 to the O.A. The respondents were thus in a position to operate this post for promotion of the applicant to the post of Junior Draftsman.

6. We, therefore, find enough justification

in the claim of the applicant seeking promotion to the post of Junior Draftsman in the scale of Rs.330-560(R.P.S. 1200-2040) as revised from time to time. It is clear from letter dated 9.8.89 (Annexure A-10) that the applicant had been discharging duty of Tracer as well as Junior Draftsman, the applicant is therefore entitled to be paid difference of salary of Junior Draftsman less the salary as drawn by him for the post of Tracer from 9.8.89 onwards. The respondents are directed to pay him these differences as well as consider him for promotion to Junior Draftsman after regularising his services as Tracer against the vacant post of Junior Draftsman in Kanpur or any other post which may be available in the Division within a period of three months from the receipt of copy of this order from the applicant. There shall be no order as to costs.


Member (J.)


Member (A.)

Nafees.