

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

....

O.A. No. 713 Of 1992

Dated: 11th August, 1995

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. T.L. Verma, J.M.

1. Shri O.P. Verma, son of A.N. Verma.
2. Shri G.C. Verma son of Shri Narain Das.
3. Shri K.P. Saxena, son of Shri J.M. Saxena.
4. Shri R.K. Sharma, son of Shri J. Ram.
5. Shri R.S. Ram son of late Shri Bhullan Ram.
6. Shri A.P. Singh son of late Shri Sheomangal Singh.
7. Shri F. Kullu son of Shri T. Kullu.
8. Shri Y.P. Singh, son of Shri Sheomohan Singh.

All J.T. is working at Northern Railway
Stations at Allahabad Kanpur and Tundla.

... .. Applicants.

(By Advocate Sri N.S. Chaudhary)

Versus

1. Union of India, through G.M.(P)
N. Rly. Baroda House, New Delhi.
2. D.R.M. (P) N. Rly,
Allahabad. Respondents.

(By Advocate Sri V.K. Goel and Sri
A.K. Gaur)

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

Through this O.A., 8 applicants have approached
this Tribunal under Sec. 19 of the Administrative
Tribunal Act, 1985 seeking the relief of promotion

Wf

to the post of Chief Inspector of Tickets(C.I.T. for short) w.e.f. 1.1.1984.

2. A cadre restructuring was carried out by the Railway Board and it was effective from 1.1.1984. As a result of this review 38 posts were upgraded to Rs. 700-900 (RS). Together with pre existing 3 posts, The total number of posts in that grade was 41. One person was already working in that grade and 6 posts were filled by promotion vide order dated 24.7.1984 (Annexure- A 1). For the remaining 34 posts, a notification dated 8.8.1994 (Annexure- A 2) was issued directing 105 persons to appear for interview in terms of modified selection procedure. ~~The applicant also figured in this list.~~ This was, however, challenged by certain persons on the ground that the seniority position indicated in the list was incorrect. The selection was, therefore, not held. Subsequently, a Bench of this Tribunal held the seniority published by the respondents as incorrect and quashed the same. Thereafter, a fresh process of selection was initiated for the 34 posts and 13 senior most persons were promoted by order dated 26.12.1990 (Annexure- A 3) with immediate effect. Thus, there remained 21 posts yet to be filled and 8 more posts which had become vacant on account of retirement, the applicants claimed that they should have been promoted against the 8 posts which had fallen vacant on account of superannuation. The applicants, however, were not promoted on the

W.C.

basis of the modified selection procedure w.e.f.

1.1.1984 but they were latter promoted by an order dated 23.7.1993 w.e.f. 1.3.1993.

3. The applicants have stated that the respondents had filled 21 ~~@@@~~ remaining posts by persons who had already retired giving them proforma benefit of promotion w.e.f. 1.1.1984 and the applicants ^{sh/m/s} have also been promoted along with them against the 8 vacancies which arose due to superannuation in the meantime on the same basis on which the other 21 persons were promoted.

4. The respondents have filed their counter-affidavit. The basic facts in this case are not in dispute. It is admitted that 38 posts were upgraded as a result of restructuring w.e.f. 1.1.1984 and thus, there were 41 posts of C.I.T. inclusive of 3 pre-existing posts. The method of filling of these posts ^{new} were modified as a one-time exception and promotion to the post of C.I.T. according to modified procedure on the basis of ^{scrutiny of service records} ~~only viva-voce test~~. Their contention is that the 8 posts which subsequently fell vacant and against which the applicants are claiming benefit of promotion under the modified selection procedure w.e.f. 1.1.1984 are not covered within the purview of the instructions of Railway Board regarding restructuring of the cadre. It is averred that these 8 posts are to be filled in the normal manner and not according to modified selection procedure which was only a one-time exception consequent upon the restructuring of the cadre.

vol 1

5. The applicants have filed their rejoinder affidavit in which it has been stated that the letter dated 30.12.1983 issued by the Railway Board made it clear that all the upgraded posts including the released posts shall be filled by a modified procedure. This order was to remain effective till all the upgraded and the released posts were filled up. According to them, there were 31 @@ upgraded posts and 3 released posts and until all the 41 posts were filled, the modified procedure of selection was to remain effective. It is stated that there is nothing in this letter to show that the posts which would ^{be} subsequently released shall not be filled up by the said procedure. Therefore, 8 posts which were released subsequently, by superannuation should also have been filled by the modified procedure as envisaged in the letter dated 30.12.1983.

6. A perusal of the letter dated 30.12.1983 makes it clear that the promotion of the additional higher grade posts created as a result of restructuring shall be w.e.f. 1.1.1984 and the existing classifications of the posts covered by the restructuring order is 'Selection' and 'Non-selection' as the case may be shall remain unchanged. However, for the purpose of promotion to only one grade above, the existing procedure of 'selection' will stand modified to the extent that the 'selection' would be based only on scrutiny of service record. The order also states that the relaxation in selection procedure will be applicable only to the vacancies existing as on 31.12.1983 and the

154-

vacancies arising on 1.1.1984 due to cadre restructuring in terms of these orders.

7. The above orders make it amply clear without any ambiguity that only the posts which were existing on 31.12.1983 i.e. 3 posts of C.I.T. and the 38 posts which were created as a result of restructuring were to be filled by the modified procedure. We cannot, accept the contention of the applicant that the 8 vacancies which arose subsequently as a result of superannuation ~~@@~~ out of those 41 posts would also come within the ~~pur~~view of the modified selection procedure. Had that been so, the orders of the Railway Board giving one-time relaxation with regard to the ~~process~~ process of selection will become an open-ended one, defeating the very purpose of giving only one-time relaxation to the normal method of selection. It is not the case of the applicant that the persons who were giving benefit of the modified selection procedure including those who had retired during the period when promotion was kept in abeyance as a result of the case filed in the Tribunal, were junior to them. They, cannot, therefore, claim that they have been discriminated as against such senior persons. Their claim for promotion w.e.f. 1.1.1984 on the basis of modified selection procedure rests solely on the provisions of the letter dated 30.12.1983. As we have already discussed, the provisions of this letter cannot be accepted to cover even those posts which fell vacant

26

by way of superannuation after restructuring had come into effect.

8. In the result, this application fails as having no merit. It is dismissed accordingly. There shall, however, be no order as to costs.

J. H. Kim
Member(J)

W. E.
Member(A)

(n.u.)