

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 639 of 1995

Allahabad this the 09th day of September, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.S. Dayal, Member (A)

1. V.S. Kushwaha Draftsman under DEN/N.R.,
Fatehpur.
2. M.A. Ansari, Draftsman, DRM Office, N.R.,
Allahabad.
3. V.K. Gehlod - do -
4. Ravindra Kumar - do -

Applicants

By Advocate Shri Sudhir Agarwal

Versus

1. Union of India through the General Manager,
N.R., Baroda House, New Delhi.
2. D.R.M., N.R. Allahabad.
3. Divisional Superintending Engineer/C, N.R.,
D.R.M. Office, Allahabad.
4. Divisional Personnel Officer, N.R., D.R.M.
Office, Allahabad.

Respondents

By Advocate Shri D.C. Saxena

O R D E R(Oral)

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

This application has been for setting
aside the order dated 26.6.1995 regarding selection

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to the post of Senior Draftsman in the grade of Rs.1400-2300/-. It has also been prayed that the modified method of selection under which scrutiny of service record and confidential reports without holding any written or viva voce test, be adopted for promotion of the applicants. The applicants seek promotion to the post of Senior Draftsman in the grade of Rs.1400-2300/- under restructuring scheme, 1998. The learned counsel for applicants modifies the prayer to the consideration of the applicants for promotion under the scheme implemented w.e.f. 1.3.1993 vide circular of the Railway Board dated 27.1.1993 read with clarification dated 18.3.1993.

2. The case of the applicants is that they were working as Draftsman in the scale of Rs.1200-2040/-. The applicants had made a representation dated 27.1.93 in which they had prayed that the post of Chief Draftsman which were lying vacant on account of the cadre review and had been subsequently filled-up, but the effect was not given to the resultant chain vacancies in different grades and posts. It is claimed that the respondents drew a panel of Senior Draftsmen and placed 11 Draftsman in the said panel and issued posting orders. The vacancies existed in the cadre of Chief Draftsman, which were subsequently filled up by drawing a panel dated 14.9.94(annexure-8) to the O.A.). Six Head Draftsmen were placed in the panel of Chief Draftsmen as a result of cadre re-structuring w.e.f. 1.3.1993 on the basis of modified selection procedure. The applicants were in the cadre of Draftsman claimed

applicability of modified selection procedure based on the orders of re-structuring dated 27.1.1993 as a number of vacancies existed on 01.03.93 and on account of promotion to the cadre of Chief Draftsman, atleast two resultant vacancies were also to be filled up as on 01.03.93 by modified selection procedure.

3. We have heard the arguments of Shri Sudhir Agarwal, counsel for the applicant and Shri D.C. Saxena, counsel for the respondents.

4. The claim of the applicants that they were entitled to the selection on the basis of modified selection procedure for vacancies and resultant vacancies existing on 01.03.93, has not been controverted by the respondents in their counter-reply. They have denied that any post was available as a result of restructuring w.e.f. 01.03.93 and, therefore, the existing vacancies in such cases as on 01.03.93 were not to be filled up by the modified selection procedure. They have taken the stand that the selection was only to be done as per the normal procedure of selection.

5. Although, the exact position regarding the vacancies in various grades i.e. Chief Draftsman Head Draftsman, Senior Draftsman and Draftsman as on 01.03.93 is not available, it is clear from the averments of the respondents that the vacancies in these cadres did exist as on 01.03.93. The promotion

to the post of Chief Draftsman from Head Draftsman had been made under the modified selection procedure as per the order dated 27.1.1993 of the Railway Board. The promotions ought to have been made from the cadre below that of Chief Draftsman to Head Draftsman and Senior Draftsman in order to fill-up these resultant vacancies. Besides the fact that on 01.03.93, the post of Chief Draftsman were increased from seven to nine also required the selection from the cadre of Head Draftsman which entails the promotion from the Senior Draftsman to Head Draftsman and have to be considered as resultant vacancies to be filled up under the order dated 27.1.93 by modified selection procedure.

6. Since the exact position regarding such vacancies is not available, we direct the respondents to work out the position obtaining after promotion of Head Draftsman to Chief Draftsman vide order dated 14.9.94(annexure-8 to the O.A.) and grant the benefit of modified selection procedure to promotion to be made in the cadre below that of Chief Draftsman i.e. in the cadre of Head Draftsman and Senior Draftsman, the respondents shall work out such vacancies and to grant promotion on the basis of the modified selection procedure as mentioned hereinabove within a period of four months from the date of receipt of copy of this order.

7. The O.A. stands disposed of as above without any orderas to costs.

/M.M./ Member (A)

Vice Chairman