

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 310 OF 1989

~~Ex No~~

DATE OF DECISION 10-01-1995

Shri Poonamchand Chandraji Petitioner

Mr. B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Another Respondent

Mr. B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel, Vice Chairman

The Hon'ble Mr. K. Ramamoorthy, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgement ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
- / 2

(a)

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Shri Poonamchand Chandraji,
C/o Office of the CSI,
Western Railway,
Mehsana.

..... Applicant

(Advocate : Mr. B.B. Gogia)

Versus

1. Union of India,
Through the General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. The Divisional Railway Manager,
Western Railway,
Rajkot Division,
Kothi Compound,
Rajkot.

..... Respondents

(Advocate : Mr. B.R. Kyada)

J U D G M E N T

O.A. NO. 310 OF 1989

Date : 10-01-1995

Per : Hon'ble Mr. K. Ramamoorthy, Member (A)

In the present application the applicant has sought
~~a~~ relief by way of promotion from an earlier date since
he was qualified to hold the promoted post earlier.

2. The brief facts of the case are as under. The
applicant had been working in Signal & Telecommunication
Department of Western Railway having been appointed as
MSM Gr. III on 29-10-1960. By March, 1988 he was promoted
to the post of Master Craftsman after appearing in a
suitable test for the same. However, on 30th August,
1988 ^{when} promotion to the analogous posts of Signal Inspectors
was proposed, the applicant's name was not included in
the list of names to be considered. This was so, because

he had meanwhile got promotion as Master Craftsman which post was considered as terminal post and as per the extant rules, selection of applicants to this post would not entitle them to be considered for the posts of Signal Inspectors which had further promotional avenues. Though the applicant represented his case for non-inclusion in the possible list of names to be considered for the post of Signal Inspectors, such a request was rejected. It is the contention of the applicant that there was a further notice for selection as circulated in Western Railway Divisional Office letter NO. E/SIG/1025/2 Vol. III dated 26-12-1991 in which list also his name has not found mention.

3. In their averments, the respondents have not disputed the seniority of the present applicant over the persons who were selected in 1988 list as Signal Inspectors. The contention made by the respondents is that prior to the action taken to draw up the select list of Signal Inspectors in 1988 which was circulated under Circular of Western Railway DRM's Office, Rajkot, letter No.E/Sig/1025/2-Vol.II dated 30th August, 1988 (Annex. A/6), the applicant had already been identified for allotment against Master Craftsman post under letter No.E/Sig/1025/5 dated 5th April, 1988 (Annex. A/5). Since the post of Master Craftsman was considered as a terminal post, such employees were not considered for promotion to the Signal Inspectors grade. This restriction for treating the post of Master Craftsman as a terminal grade was imposed by Headquarter Office letter NO. EP830/45/3 dated 17th March/5th April, 1988 (Annex. R/1). In fact, on the receipt of represent-

ation, the present applicant was specifically told that if he still wanted to be considered for the post of Signal Inspector, he might give his option for reversion to his earlier post of MSM forgoing the promotion as MCF. Since the applicant had not chosen to exercise this option, his case was not considered. The counsel for the applicant initially contented that such a stipulation had not been made when he was selected as Master Craftsman and in any case, this restriction did not apply to initial vacancies and the applicant's appointment as Master Craftsman was for an initial vacancy. However, since the circular of 5th April, 1988 (Annex. R/1) also referred to cases of employees promoted as Master Craftsmen after 3-6-1987, and the present applicant had been promoted in 1988 only, the counsel for the applicant did not want to press the argument for being ~~one of~~ ² an initial appointee and for being considered in the 1988 selection. However, he stated that thereafter also the Railways had reversed their stand and by virtue of Railway Board's letter dated 17th October, 1990 which was circulated under Headquarter Office letter No.EP/830/45/3 dated 6th November, 1990/11th Jan. 1991 (Annex. A/1) this ban on Master Craftsmen being considered for the promotion had been lifted. In view of this also, the present applicant had a case for being considered for promotion specially since further selection notice was issued on 26th December, 1991.

4. We have gone through the averments made by the applicant and the Railways. We accept the contention of the Railways that having chosen to get selected as Master Craftsman in 1988 and having not exercised an option to

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revert as a MCM, he had no right to be considered for promotion as Signal Inspectors in the selection initiated in August, 1988. However, by the same reasoning, it is also evident that by virtue of the revised decision of the Railway Board in 1990, the Master Craftsmen were also to be considered for further promotion to supervisory post along with other skilled Grade I artisans staff though the fact of their officiation as Master Craftsmen will not give them any gain in seniority. The applicant had, therefore, every right to be included in the list prepared pursuant to the notice circulated by letter No.E/SIG/1025/2 Vol. III dated 26-12-1991 referred to in para 2 above for forming a panel of employees suitable for promotion to the post of Signal Inspectors Grade III since the case of his seniority is not in dispute. The respondents are, therefore, directed to hold a selection process for adjudicating his suitability for being interpolated in the panel of employees found suitable for promotion as per action taken in Western Railway Circular of 26th December, 1991.

5. With the above direction, the petition is disposed of with no order as to costs.



(K. Ramamoorthy)
Member (A)



(N.B. Patel)
Vice Chairman

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