

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 76 of 1990.
~~TA. NO.~~

DATE OF DECISION 18.8.1994.

Shri Roopram Ramaji Petitioner

Shri D.K.Mehta Advocate for the Petitioner (s)

Versus

Union of India and ors. Respondent

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

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

The Hon'ble ~~Mr~~ Dr. R. K. Saxena : Member (J)

JUDGMENT

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

No

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1. Roopram Ramaji,
2. Rajendra Prakash Shivilal,
3. Naran Ratanchand,
4. Balwantsingh Nobatsingh
5. Ramsingh G.
6. Kantilal S.,

...Applicants.

All are residing at :
C/o. Kantilal S. Barot,
Saijpur, Ambica Bhuvan,
(Fadeli), Dhanushdhari Society,
Opp. Ramji Temple,
Room No. 5, Naroda Road,
Ahmedabad.

(Advocate : Mr. D. K. Mehta)

Versus

1. Union of India,
(Notice to be served through :
The General Manager,
Western Railway,
Churchgate,
Bombay.
2. Divisional Railway Manager,
Rajkot Division, Western Railway,
Divisional Office,
Rajkot.
3. Senior D.M.E. (E),
Rajkot Division, W.Rly.,
Divisional Office,
Rajkot.

...Respondents.

(Advocate : Mr. B. R. Kyada)

J U D G M E N T

O.A.NO. 76 OF 1990.

Date : 18.8.1994.

Per : Hon'ble Mr. K. Ramamoorthy

: Member (A)

The present application has been filed for
getting earlier date of promotion.

The facts of the case are as under :

The applicants were initially appointed as Cleaners on different dates in the year 1955-56, and subsequently have worked as Khalasi and Sr.Khalasi, Helper on promotion in the C & W Depot. Subsequently, they were posted in the different trades as shown in the cause title, namely, Wheel Tapper, Lubricant Attendant-Oiler, Repacker, Lifter, etc.. It is the contention of the applicant that some posts were up-graded by virtue of order dated 6.9.1979. By this order 59 posts were recorded by the Highly skilled Gr.I and 75 posts as Highly skilled Gr.II. It was the contention of the applicant that only in respect of three categories-Rivetter, Cleaner Mucadam, Saloom Attendant, benefits of the increase of up-graded posts were given in time. The applicants were also subsequently given Gr.II, i.e. in 1984, whereas they should have been given earlier in 1978, as per the 6.9.1979 circular.

In reply, the respondents have stated that the representations of the applicants were specifically replied on 20.5.1989, wherein it has been stated that the applicants being junior were not entitled to the up-graded posts.

We have gone through the averments made and also heard the arguments of both the counsels. The limited point for consideration is whether the Railways did up-graded posts to the extent mentioned in letter of 6.9.1979. Particularly, when these posts were also

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specifically distributed among different stations as mentioned in that very letter of 6.9.1979. The basic question is not one as to whether the applicants were juniors or not but as to whether the benefit at all was given to the remaining six categories out of nine mentioned in 6.9.1979 memorandum. It is the contention of the applicants that in respect of the six categories namely, Wheel Tapper, Repacker, DH Painter, Lifter, Lub. Atttdt., and GPA, the up-grading orders were not implemented. The respondents have not been able to conclusively prove that the mentioned number of posts were actually up-graded in these categories.

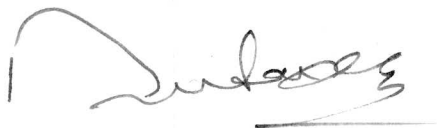
The Tribunal was also prepared to concede the arguments that it was open to the administration to keep in abeyance some of the up-gradations due to the economic reasons, but this can be done only by a specific administrative order conveyed, as the up-gradation decision was also conveyed by a specific order. The respondents were not able to show any such decision to keep some of the up-graded posts in abeyance. Thus, we find that the respondents are not been able to explain the inaction on their part in not up-grading the posts to the extent mentioned in their own memorandum No.EM/800/5/36, dated 6.9.1979.

We direct the applicants to make a specific representation showing the specific number of posts to which they are entitled showing therein the fact of non-promotion of any railway servant in up-graded posts to the extent shown in that memorandum. The respondents are directed to consider such a representation if made

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within a period of 15 days, and give their decision by way of a speaking order indicating the action taken or not taken to implement the memorandum of 6.9.1979 upgrading certain posts of artisans. This decision may be taken within a period of three months.

The applicants are therefore, at liberty to approach the Tribunal if they have any grievance. The application stands disposed of accordingly. No order as to costs.



(Dr. R. K. Saxena)
Member (J)



(K. Ramamoorthy)
Member (A)

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