

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(EF)

O.A. No. 102 OF 1990
TAX NO.

DATE OF DECISION 25-10-1993.

Punambhai.K. & Ors. Petitioner(s)

Mr. A.M. Saiyed, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admin. Member.

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?

1. Punambhai K.
2. Yusufmiyan K.
3. Shantilal G.
4. Mehrabkhan S.
5. Mathews S.
6. Suryakant V.
7. Gopinath S.
8. Chandrakant M.
9. Durgaprasad H.
10. Mohanbhai M.
11. Fulabhai S.

All Adults, employed as
List Attendants in the Western
Railway, residents of Ahmedabad,
C/o. Station Superintendent,
Western Railway, Ahmedabad.

..... Applicants.

(Advocate: Mr. A.M. Saiyed)

Versus.

1. Union of India, through the
General Manager, Western Railway,
Churchgate, Bombay.

2. The Divisional Railway Manager,
Western Railway, Vadodara Division,
Pratapnagar, Vadodara.

3. The Sr.Divl.Elec. Engineer(Power)
Western Railway,
Vadodara Division, Pratapnagar,
Vadodara.

4. The Asst. Elec. Engineer(BG)
Western Railway, Ahmedabad.

5. The Station Superintendent,
Western Railway, Ahmedabad.

..... Respondents.

(Advocate: Mr. N.S.Shevde)

ORAL ORDER

O.A.No. 102 OF 1990

Date: 25-10-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. A.M.Saiyed, learned advocate for the
applicants and Mr. N.S.Shevde, learned advocate for the
respondents.

..... 3/-

2. This application is filed by 11 Lift Attendants under section 19 of the Administrative Tribunals Act, 1985, against the Railway seeking the reliefs as under:

"8. Relief sought for:

In view of the legal and factual position of the case, as above, the applicants prays for the reliefs, namely :-

- (i) To set aside the impugned order dated 3.3.89 as arbitrary, irrational, misguided, punitive in nature, discriminatory and illegal. To declare that it is also not a speaking order.
- (ii) To order the respondent authorities to consider the promotions of the applicants from due date in the posts of ELF Gr.III (Power), Scale Rs.260-400(R)/950-1500(RP) in context with the restructuring/cadre review discussed in this application along with SPAs/BTMs in order of seniority and allow them the consequent benefits, wages, seniority etc. as per the extant rules and orders on the subject:
- (iii) To grant any other relief or reliefs including costs of and incidental to this application as deemed fit by this Honourable Tribunal."

3. The case of the applicants as pleaded in the application is that they are employed as Lift Attendants in the pay scale Rs. 210-290(R)/800-1150(RP) in the semi-skilled category in Vadodara Division of the Western Railway and they are eligible for seeking remedy of their grievance in this case. It is alleged by the applicants that for the purpose of duty and attendance, they are under the control of respondent No.5, the Station Supdnt..

Western Railway, Ahmedabad and for the administrative control they are under respondent No. 2, 3 & 4. It is alleged in the application that as per the award of the Railway Workers Classification Tribunal, (hereinafter referred to as RWTC for the sake of brevity), reclassification of the skilled artisan staff was to be effected, and relief to the semi-skilled and unskilled staff was to be provided by way of upgradation. Ultimately, the first upgradation was permitted by the Railway Board retrospectively from 1st August, 1978 under their letter dated 13th November, 1982 circulated under CPO, Western Railway, Churchgate, Bombay's letter dated 27th December, 1982, that so far as Vadodara division is concerned, the implementation for the relevant cadres was done under letter dated 28th July, 1983 and 23rd April, 1986 produced at Annexure A-1 and A-2. It is alleged by the applicants that only few BTMS were given the benefit of upgradation and none of the Lift Attendants was given such a benefit. It is alleged in the application that ever since the implementation of the orders of the Railway Board, there were representations from BTMS and lift attendants who were left out individually, collectively and through the Trade Unions, that the case of BTMS are decided by the respondents Railway Administration during the year 1988-89, but the case of the Lift Attendants was

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rejected by the administration vide Annexure A-3 dated 3rd March, 1989. It is this reply dated 3rd March, 1989 by AEE(BG) ADI to Station Superintendent, ADI which ~~now~~ is under challenge before us.

4. The learned advocate for the applicants submitted that the respondents' letter Annexure A-1 & A-2 show that the Railway Board has converted all semi-skilled post (trade) to skilled post. It is submitted by the learned advocate for the applicants that some misunderstanding appears at the level where upgradations are given effect, otherwise Lift Attendants can not have been ignored. He submitted that the channel of promotion ^{in the best} of the applicants is to be passed of ELF, Gr.III(power) scale Rs. 260-400(R)/950-1500(RP).

5. The learned advocate for the respondents Mr. Shevde submitted that the respondents have produced with their reply the letter dated 20/29th January, 1992 and other document Annexure R-1 dated 15th January, 1993 and 7th July, 1993 which show that the present applicants are given the scale of Rs.950-1500 (RP) in the semi-skilled category effective from 1st December, 1987. The learned advocate for the applicants submitted that the benefit ought to have been given to the applicants from

(13)

1st August, 1978 because original order of classification was made effective from that date. He therefore, submits that the direction be given to the Railway Board to consider the case of these applicants to give them the benefit of the scale of Rs. 950-1500(RP) effective from 1st August, 1978. In our opinion, this submissions seems reasonable. Hence we pass the following order:

O R D E R

The respondent No.1 to request the Railway Board to consider the case of the applicants, Lift Attendants for the demand of the benefit of skilled category in the scale of Rs. 950-1500(RP) effective from 1st August, 1978. The Railway Board be requested by respondent No.1 to pass a speaking order regarding the request of the applicant to get the benefit of the skilled category from 1st August, 1978. The Railway Board request the respondent No.1 to pass a speaking order within four month from the date of the order received by the Railway Board and the respondent No.1 in turn ~~that~~ to intimate to the applicants about the speaking order that may be passed by the Railway Board. Application is disposed of accordingly. No order as to costs.

M.R. Kolhatkar
(M.R. Kolhatkar)
Member (A)

R.C. Bhatt
(R.C. Bhatt)
Member (J)