

No
Promotion

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 162 OF 1993.

~~**T.A. No.**~~

DATE OF DECISION 7-6-1993.

Gyresto. F & Ors. Petitioners

Mr. R.K. Misra, 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, Admn. 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. Everesto F
 2. Nanalal G
 3. Premanand S
 4. Jasvinder Singh
 5. Ram Surat S
 6. Davis E.T.
 7. Malsingh J
 8. Ashok S
 9. Lal Bahadur P
 10. Hiralal R
 11. Lunia R
 12. Premchand F
 13. Shailendra Srivastava
- All C/o. Paschim Railway
Karmachari Parishad,
Through its Secretary,
Shri Harischand Gupta,
Akota, Baroda.

..... Applicants.

(Advocate: Mr. R.K. Misra)

Versus

1. The General Manager,
Western Railway,
Churchgate, Bombay.
2. The Chief Works Manager,
Western Railway,
Dahod, Dist:Panchmahal.

..... Respondents.

(Advocate:Mr. N.S.Shevde)

ORAL ORDER

O.A.No. 162/93

Date: 7-6-1993.

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

Heard Mr. R.K.Misra, learned advocate for
the applicants. Mr. N.S.Shevde waives notice and
files appearance for the respondents.

2. The 13 applicants, who are serving at present
as Khalasis at Dahod Loco Workshop, have filed this
application under section 19 of the Administrative
Tribunals Act, 1985, seeking the reliefs as under:

"(A) YOUR LORDSHIPS may be pleased to direct the respondent authorities to promote the petitioners as skilled category employees and to place them in the time scale of Rs.950 to 1500 and to accord them all the benefits of seniority, yearly increments and all such other benefits accorded to their junior counterparts.

(B) YOUR LORDSHIPS may be pleased to hold and declare that the action of the respondent authorities in placing the petitioners at the lower time scale of Rs.750-950 and continuing the junior counterparts in the higher time scale of Rs.950-1500 be illegal, arbitrary and unconstitutional and therefore null and void. Therefore, the action is being violative of Articles 14 and 16 of the Constitution of India. In the results the respondent authorities be directed to make the payment of arrears and difference in the time scale grade of Rs. 950-1500 from the dates they came to be placed in the lower time scale grade."

3. The main grievance^u of the applicants are that they should be considered for promotion when the respondents are inviting applications by employment Notice dated 27th November, 1992, Annexure A-12. The respondents by the Employment Notice dated 27th November 1992 invited applications to ^uform a recruitment panel to fill in 25% of the vacancies against reserved quota from open market for the trades mentioned in that notice. Para-2 of the said notice shows that the candidates ^u~~following~~ ^{satisfying} the conditions mentioned therein were eligible to apply. The ~~learned~~ ^u advocate for the applicants ^usubmits that the applicants ^u~~wherein~~ ^upast ^uwere promoted as Dollymen and were reverted and this is ~~is~~

a fit case according to him, where the respondents should consider the applicants for recruitment to Class III skilled artisan. In short, the learned advocate for the applicants submit^s that the applicants are already in service, they were already promoted in past and now they must be given an opportunity for promotion. The applicants made representation, Ann.A-11 dated 5th December, 1992 to consider them for promotion in pursuance to the notice Annexure A-12 of the respondents. Mr. N.S. Shevde for the respondents submit^s that the respondents would certainly consider this representation Annexure A-11 dated 5th December, 1992 according to rules. This matter therefore, is disposed of at the admission stage as under:

ORDER

The respondent No.2 is directed to decide the representation Annexure A-11 dated 5th December, 1992 filed by the applicants within three months from the date of the receipt of this order. The applicants in order to see that there is no delay ^{may} ~~make~~ independently send the copy of this representation Annexure A-11 to the respondents No.2 with documents if any accompanied ^{with} ~~with~~ to enable the respondent No.2 to consider and to dispose of the representation according to rules within the above stipulated period. The application is disposed of with no order as to costs.

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

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

vtc.

1. Everesto F
 2. Nanalal G
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..... Applicants.

(Advocate: Mr. R.K. Misra)

Versus

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2. The Chief Works Manager,
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(Advocate:Mr. N.S.Shevde)

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3. The main grievance of the applicants are that they should be considered for promotion when the respondents are inviting applications by employment Notice dated 27th November, 1992, Annexure A-12. The respondents by the Employment Notice dated 27th November 1992 invited applications to form a recruitment panel to fill in 25% of the vacancies against reserved quota from open market for the trades mentioned in that notice. Para-2 of the said notice shows that the candidates following the conditions mentioned therein were eligible to apply. The learned advocate for the applicants submit that the applicants wherein past promoted as Dollymen and were reverted and this is ~~is~~

a fit case according to him, where the respondents should consider the applicants for recruitment to Class III skilled artisan. In short, the learned advocate for the applicants submit that the applicants are already in service, they were already promoted in past and now they must be given an opportunity for promotion. The applicants made representation, Ann.A-11 dated 5th December, 1992 to consider them for promotion in pursuance to the notice Annexure A-12 of the respondents. Mr. N.S.Shevde for the respondents submits that the respondents would certainly consider this representation Annexure A-11 dated 5th December, 1992 according to rules. This matter therefore, is disposed of at the admission stage as under:

O R D E R

The respondent No.2 is directed to decide the representation Annexure A-11 dated 5th December, 1992 filed by the applicants within three months from the date of the receipt of this order. The applicants in order to see that there is no delay made independently send the copy of this representation Annexure A-11 to the respondents No.2 with documents if any accompanied with to enable the respondent No.2 to consider and to dispose of the representation according to rules within the above stipulated period. The application is disposed of with no order as to costs.

(M.R. Kolhatkar)
Member (A)

(R.C. Bhatt)
Member (J)

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 07/162/93 of 19

Transfer Application No. _____ Old W.Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 16/06/93.

Countersigned : R.S. Anishtiari.

CPH/93-793
Section Officer/Court officer

Signature of the Dealing
Assistant

INDEX SHEET

NAMES OF THE PARTIES Everest F. 8 acc.

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