

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH**

**RA/08/2000**

**In**

**OA/567/1993**

**Date of Decision : 09/02/2000**

All India Guard Council : **Petitioner (s)**

Mr.J.J.Dave : **Advocate for the petitioner(s)**

**Versus**

Union of India & Ors. : **Respondent(s)**

\_\_\_\_\_ : **Advocate for the Respondent(s)**

**CORAM**

**The Hon'ble Mr.V.Radhakrishnan : Member(A)**

**The Hon'ble Mr.A.S.Sanghavi : 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?

:2:

1. All India Guard Council,  
Represented by their Rajkot  
Divisional Secretary,  
Shri K.B.Bhatt,  
Regd.Trade Union.

2. Shri B.R.Ramteke
3. Shri B.P.Gosai
4. Shri N.N.Solanki
5. Shri M.J.Goswami

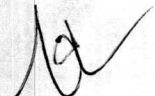
: Applicants

Advocate: Mr.J.J.Dave

Versus

1. Union of India,  
Notice to be served through  
The Secretary, Railway Board,  
Rail Bhavan,  
New Delhi.
2. The General Manager,  
Headquarter Office,  
Western Railway,  
Churchgate,  
Bombay-400 020.
3. Divisional Railway Manager,  
Divisional Office,  
Western Railway,  
Kothi Compound,  
Rajkot.
4. Shri P.C.Dave,  
Goods Guard,  
Hapa to be served by the  
Respondent No.3 since working under  
Respondent No.3.

: Respondents



:3: -

**ORAL ORDER**

**RA/08/2000**

**In**

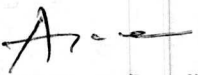
**OA/567/93**


**Date:09.2.2000**

**Per: Hon'ble Mr.V.Radhakrishnan**

**: Member(A)**

This Review Application filed by the applicant does not bring out any error apparent on the face of record of our judgment in OA/567/93 dated 8/9/99. Hence, we see no reason to review the said judgment. Accordingly, Review Application is rejected.

  
**(A.S.Sanghavi)**  
**Member(J)**

  
**(V.Radhakrishnan)**  
**Member(A)**

aab

FORM NO. 21

( See Rule 114 )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD BENCH

OA/TA/RA/CP/MA/PT 8 of 199 2000 Ta OA/567493

ALL Trading Goods Comers APPLICANT (s)

8 Oss.  
VERSUS

Winn of Trading & Oss. RESPONDENT (s)

I N D E X      S H E E T

SR.NO.	DESCRIPTION OF DOCUMENTS	PAGE
1.	Review with Ann.	1 to 14
2.	Order dt- 9/2/2000	3 pages.

Certified that the file is complete in all respects.

Signature of S.O.(J)

Signature of Deal. Hand.



DA/8/2000 of AS/567/83

1. Judgment / Order by  
(i) Hon'ble Mr. V. Radhakrishnan *memes*  
(ii) Hon'ble Mr. A.S. Sanghavi *memes*
2. Both the aforesaid Members are functioning in this Tribunal. *A* Hence to be placed before the said Members i.e. Hon'ble Mr. V. Radhakrishnan *Memos* and Hon'ble Mr. A.S. Sanghavi *Memos*
3. Hon'ble Mr. \_\_\_\_\_ still belongs to Local Bench but Hon'ble Mr. \_\_\_\_\_ is now a Member/V.C. of \_\_\_\_\_ Bench. Hence may be sent for consideration by circulation to the said Members i.e. Hon'ble Mr. \_\_\_\_\_ and Hon'ble Mr. \_\_\_\_\_
4. Both the aforesaid Hon'ble Members have ceased to be Members of the Tribunal. Hence to be placed before Hon'ble V.C. for constituting a Bench of any two Members of this Bench.
5. Hon'ble Mr. \_\_\_\_\_ has ceased to be Member of Tribunal but Hon'ble Mr. \_\_\_\_\_ is available in this Bench. Hence may be placed before Hon'ble V.C. for constituting a Bench of Hon'ble Mr. \_\_\_\_\_ who is available in this Bench and of any other Member of this Bench for preliminary hearing.
6. Both the aforesaid Members are now Members of other Benches namely \_\_\_\_\_ and \_\_\_\_\_ Benches. May be placed before Hon'ble V.C. for sending the R.A. to both the Members for consideration by circulation. If one of the Members is of the view that the petition merits a hearing, reference may be made by Hon'ble V.C. to the Hon'ble Chairman seeking orders of the Hon'ble Chairman.
7. The case is not covered by any of the above contingencies. Therefore, orders of the Hon'ble Chairman are required to be obtained by Hon'ble Vice Chairman.

*Patel*  
*0222001102*

*30-CJ 19322w*

*21/3/2000*  
*DR (J)*

*Hon'ble V.C.*  
*May be dealt with by a Bench consisting of V. Radhakrishnan & A.S. Sanghavi*  
*7/1/2000*

RA/SH/3/2000.

Submitted,

This Review Appl. Filed to  
challenge order dt 08-8-98, which  
prepared by this office on 05-01-2000  
CPI (see the order) OA/567/93 P. No. 18 -  
It approved as to be registered.  
I enclose pl.

K. Patel  
01-2-2000 use

S.O. (J) py 1.2.2000

S. J. 24/2/2000  
D. H. I.

27/03/2000

BEFORE THE HONOURABLE THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD

REVISION PETITION NO. 08' OF 1999/2000

FILED IN

OA

567-93

ALL INDIA GUADS COUNCEL

APPLICANT

VERSUS

U.O.I & OTHERS

RESPONDENT

INDEX OF REVISION PETITION FILED BY SHRI

P.C. DAVE ONE OF THE IMPLEADED RESPONDENT

1.0 THE REVISION PETITION PAGE 1 TO 8

2.0 A/1 THE ORDERS OF 567-93 9 TO 12

3.0 A/2 THE ORDRES IN WRIT 37

OF 2000 decided on 5-1-2000 13

4 EXTRACTS OF LETTER DATED 14

6-5-96 PUBLISHED IN RAIL SENTINEL

712

PLACE JUNAGADH

DATED 16-1-2000

( J.J. DAVE)

ADVOCATE OF THE APPLICANT

Filed by P.C. Dave  
Learned Advocate for Petitioner  
with copies set & sent to  
copies copy set & sent to  
other side

27/01/01

By Registrar S.A.T.  
J.J. Dave

Recd copy  
27.1.2000  
Dr. f. R. Dave

copy  
saved  
to other  
side  
27/1/2000

BEFORE THE HONOURABLE THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD.

REVISION PETITION NUMBER <sup>08</sup> OF 2000  
FILED IN

ORIGINAL APPLICATION NO. 567-93

ALL INDIA GUARDS COUNCIL  
VERSUS

APPLICANT

UNION OF INDIA & OTHERS

RESPONDENTS

SUB: HUMBLE & RESPECTFUL PRAYER OF SHRI  
P.C. DAVE ONE OF THE RESPONDENTS  
JOINED SUBSEQUENTLY BY THE PETITIONER  
IN THE ORIGINAL APPLICATION NO.  
567-93 DECIDED BY THIS COURT 8-9-99  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

ONE OF THE RESPONDENT, SHRI P.C. DAVE, Guard Passenger  
seeks the humble and respectful prayer before the Honourable  
the COURT keeping in view of the directions granted by the  
Honourable the HIGH COURT IN THE SPECIAL CIVIL APPLICATION  
NO.37-2000 ON 5-1-2000 and as such he may be pardoned to  
file the REVISION APPLICATION as under. The copy of the  
Order passed by the Honourable the Tribunal on 567-93  
passed on 8-9-99 as well as the orders passed by the HIGH  
COURT are collectively submitted as annexure I of the same.

2. The short shorn of the matter is that the applicant was  
the substantive holder of the post of the telegraph signaller  
in the scale of RS 1200-2040 and was ordered to fill  
the option to have his absorption in the alternative category  
as planned, projected and processed by the Division.  
He submitted the option of the post of the post of GUARD  
grade C and the same was accepted. The absorption was given  
as early as on 2-9-92 and after coming and crossing all the  
requisite principles, procedures and provisions the applicant  
was sent for the HIGHER MEDICAL EXAMINATION, the due and  
prescribed training in theory and practices and on the  
completion of all sorts of such training the applicant was  
absorbed as Guard Grade C on 2-9-92 in the division.



3.0 It is deeply regretted that thus the position was quite clear and crystallised and the petitioner was working as GUARD Pass and he got the notice as back on 6-10-93 which was served much later on 21-2-96 because the vested interest played the dilatory tactics in serving the impleaded party with the sole intention to keep him in dark and is the admitted position. The applicant, without the least opportunity was not served even the copy of the Judgement dated 8-9-99 where the Honourable the Court have come to the ERRONEOUS, UNJUST, UNREAL & EVEN ILLEGAL CONCLUSIONS behind his back and in such a helpless situation he has to rush and run to the Honourable the HIGH COURT where he has filed the above SCA 37-2000 and on 5-1-2000 the Honourable the High Court have directed to file the REVIEW petitions and the following are the BASIC GROUNDS OF such submissions before this COURT.

2.0 GROUNDS OF FILING THE REVISION PETITION BEFORE THE COURT  
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2.0 The FIRST & FORMOST ground of the application is that when there exist the statutory provision the matter is not justiceable. Here is the case where the Seniority of the staff transferred on account of the administration is quite governed by the RULE 311 where it has been mentioned that where on transfer from one cadre to another in the interest of administration is regulated by the date of promotion date of appointment to the grade as the case may be. It is deeply regretted that the original applicant have willfully avoided, kept the Honourable the Court in dark and have seriously erred even to note and consider the vital objection already filed by the present applicant as subsequently impleaded party and as such they have committed GROSS ERROR.

2.02. The applicant of the present petition was already absorbed as early as on 2.9-92 and as such even the order passed on the OA 26-92 on 10-5-93 was in no way applicable thus the Honourable the Tribunal have committed the grave and unprecedented error in drawing the conclusion and as

such the order dated 8-9-99 is required to be quash and set.

2.03. The RIGHT OF ESTOPPEL is universally accepted. When the applicant has been rendered and absorbed on transfer on administrative grounds and have already passed of the procedure, provisions and principles before 8-8-years and have got the substantial experience, education and working in that category the innocent applicant ought not to have been disturbed once again from the settled to unsettled position and post without any justified cause and reason.

2.04 Here is the case where there exist quite unimaginary quite unprecedented, unjust and illegal order which is quite arbitrary and even the surviving evidence on the RECORD.

2.05 The present order has been passed without the slightest application of mind without appreciating the factual aspects and quite different to gether circumstances involved in same.

2.06 The OA 567-93 was in no way identical to the OA 26-92 decided on 26-5-93 where the facts are entirely different.

2.07 The facts of Baroda Division the manner and method adopted by Baroda Division was altogether different and none of the signaller was absorbed as Guard on that date. Here the applicant of the present petition was already absorbed by the transfer on the administrative grounds by using the power, authority and jurisdiction based on the IREM and as such it is standing as statutory and the law is settled that wherever the statutory provisions are there this court never interferes because the applicant of the present petition was already absorbed on 2-9-92 much early.

2.08 The law is settled in the case of MOHMED NOOH that no matter can be applicable with the RETROSPECTIVE EFFECT. This constitution bench decision (AIR 1958 SC 86) holds the field and was accepted by the High court in the famous issue OF B.K. SUTHAR (GLH 1983 Page 428) Based on article 141 of the constitution this court holds the bounden duty to follow this basic law to maintain the uniformity and homogeneity too.



2.09. It is respectfully submitted that for their gain said the present application no. 567-93 was filed only to extract undue gains after the long and even unexplained delay which has throughly uprooted the innocent applicant whose posting was already arranged on the statutory provisions of IREM alike other with the full seniority & passed formalities.

2.09 It is the unimaginary and unprecedented order where not only the right of the natural justice and hearing are shelved but every stage the present petitioner was kept in dark and even the copy of the JUDGEMENT was never endorsed. While making the inquiry on the table the court outcome was that the same was not addressed to the applicant of the present petition with the sole intention to keep him away. Thus the basic provisions and principles of natural justice are flagrantly breached and it is the fit case TO SET & QUASH

2.010 The COPS and the head of the Operating branch and the Competent authority for the transfer promotions and the reversions of the staff and even resposting have published the police decision on 8-12-91 through the letter no. ET 834-17-2 (AVC) that the surplus telegraph signallers can be absorbed as guard grade C and when the avenue have been modified by the competent authorities the Court have no power, authority and even the jurisdiction to interfere in the same. This does not rest here but in the organised labour union meeting the General manager have committed through the letter no. EU 1160-94-6-366 dated 6-5-96 and yet to interfere by the court infringes the basic law where thus court always sounds the trumpets that the court will not interfere in the Statutory provisions because such provisions are based on the article 309 of the constitution and holds the statutory force and not justiciable even. It is high time that in the name of PRECEDENT such a matter ought not to have decided in this manner and method without taking the impleaded party in to consideration and hearing too.

2.11 As stated above the department is authorised and decide the equivalent of the scale and pay and the court have no authority to decide these issues. When the competent authority and the COPS have already decided that the post of the signaller scale 1200-2040 is identical to that of the Guard C neither the court nor the involved applicant of the original matter are competent to decide that the scale of 1200-2040 of Guard Grade C in which the initial absorption of the applicant was ordered was higher. There exist no findings to have such mechanical conclusions without and specific evidence and as such it is a case of no evidence and if such a decision is allowed to sustain in that case the department who have framed the regulations and provisions will totally upset the entire functioning of the Railways.

2.12 It is respectfully submitted that the mechanical conclusion of the absorption as guard where 30 % are added is higher than that of the non running staff and signallers is illegal and even unjust. The Running staff gets the due promotions on the train bases and other categories are getting the promotions on percentage basis. To compensate the loss in the promotion the part of the RUNNING ALLOWANCE is considered as pay for certain benefits on fixed percentage which does not mean that the grade of 1200-2040 is higher. The court has failed and has committed the grave and even patent error and as such the present petition requires the total review to grant the substantial justice to the said petitioner who have come and hopefully filed the another petition numbering 780-96 before this court where the council has already prayed the formal prayer and even the written statement as rejoinder to hear ~~but~~ the application at one and the same time and as such even the court have grouped both the matter but it was the total misfortune that without the taking of such basic issues the court have decided the matter of 567-93 individually and isolatedly and as such it is quite illegal, unjust, colourful and even ~~arbitrary~~ <sup>arbitrary</sup>



2.13. There exist the law of INDENTICAL & PRECEDENT. Here the facts are entirely different and even 26-92 was decided on 10-5-93 where the applicant of the present petition was was absorbed on 2.9.92 and in noway the facts and the said circumstances are " IDENTICAL" and as such the pursuation of the principles and law of INDENTICAL and precedent have created this problem and with the result the applicant is religated from the post to the pillar where the justice delayed is the justice denied on the settled law.

2.14 It is the case of the petitioner that even after the absorption he was considered for the selection post of pass Guard and he was granted substantive position in that status post and catagory which was converted on ADHOC but after that he was shown as substantive holder of the PASS GUARD POST. Thus when the present petitioner have got the substntial benifit of the changed cadre it cannot be uprooted on this distant date and to make the settled position UNSETTLED.

2.15 On 6-4-99a formal notice was issued for the hearing on 11-6-99 but facts remains that no notice was given and even the order dated 8-9-99 clearly mandates that the Court have followed the 26-92 matter mechanically. When the notice was issued and hearing was fixed on 11-6-99 both the matters of 567-93 and 780-96 ought to have heard to gether.

2.16 It is prooved beyond any doubt that the applicant was not properly heard by the court inspite notices & cases

2.17 The present petitioner after allowing on the different Cadre was confirmed on that post on 30-6-95 with effect from 3-1-95 thus here the CONFIRMED APPLICANT is being once again disturbed by the Judiciary and as such he has been denied the constitutional rights for the same once again.

2.18 Here is the case where the applicant due to change in the department was transfered from one place to another and once agin whole family is to be disturbed where the TRANSFER is these days is the univerally accepted serious penalty.

2.19 The Indian Judiciary is granting the substantial justice instead following the technical and hyper technical dealings even taking in to account the INHERENT POWER OF THE COURT to travel at any place to boost the substantial justice where the applicant has become the victim of the RELIGATION from the department to Tribunal and Tribunal to the HIGH COURT and once again the Tribunal and thus CHECKERED CASE & as such it is high time to grant the substantial justice to the present petitioner and as such he RERUSHES on the HIGH COURT PERMISSION & to EXHAUST THE DUE OPPORTUNITY OF FORUM & as such it is resubmitted that the REVIEW may please be ordered and the court may be pleased to grant justice.

2.20 Here the impleaded parties have not been able to show there injustice because of being in the higher grade and even in the different category too. Even the INTERIM INJUNCTION was granted only on 20-9-93 where as the absorption of the present petitioner took place on 2-9-92 and as such in no way the INTERIM RELIEF was ever applicable and as such even contempt application does not hold the filed too. It is quite astonishing that the other side have willfully misused the court opportunities and thus the Division have failed to have proper reaction when they have acted on statutory provisions. ON all these and further at the time of REHEARING the said petitioner submits the SPECIAL & SPECIFIC REQUEST TO REHEAR the applicant and submits the present prayer to have the real justice to the applicant when he has been suffering.

2.21 It is respectfully submitted that the process of the Modernisation and electricity and adoption of the modern methods invites the radical change of the cadre, post and staff and that too one cadre to another. IF such transfers are not protected on the administrative account the whole basic provision of THE IREM 311 will be defeated and the senior persons will have to suffer and under go serious loss and will be subjected to " GO FROM HEAR " and will be demoralised



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2.22 This does not rest here but the matter is disposed of on 8-9-99 but the other side have willfully continued even the contempt prayer filed in CP 48-96 in order to suppress the railways on one side and the applicant of the present petition on the other side. It is the open misuse of the court process to keep and sustain INFRUCTOUS ONE

2.23 Here facts remains that the matter OF OA 780-96 is already admitted. If the disposal of the present application is allowed to sustain of OA 567-93 decided on 8-9-99 the whole matter of OA 780-96 will be defeated and as such when the MA is already filed in that OA it is once again prayed to maintain the status quo and the said petitioner may please be allowed to continue as passenger Guards REST OF the matter, points and comprehensive submissions will be placed before this court and as such the present petitioner once again pray with the folded hands to have the FULL HEARING IN SAME and as such the following prayer before this honourable the court.  
HUMBLE & RESPECTFUL PRAYER BEFORE THE HONOURABLE THE COURT.

The Honourable the High Court may be pleased to review the entire matter and quash the order passed by the court on OA 567-93 on 8.9.99 and may be pleased to review the entire matter where the applicant has submitted the following submissions and as a step to the same both the matters of 567-93 and that of 780-96 may be kept together to hear them at one and the same time

2. Till the matter is finally disposed the agent/Railways and any authority may please be restrained not to uproot the applicant and allowed the applicant to physically serve as GUARD PASSENGER.

3. ANY OTHER RELIEF AS DEEM FIT TO COURT  
PLACE JUNAGADH DATED 16-1-2000 ( P.C. DAVE )

SIGNATURE OF THE APPLICANT

AFFIDEVIT

I, PRADIPKUMAR CHANDULAL DAVE AGED        YEARS adult hindu record on the solemn oath and affirmation that the averments submitted in the present petition are quite true, correct, genuine and in token where of he affix his hands on the same ON 16-1-2000 AT JUNAGADH

2. He has not suppressed any material fact from any where in same

PLACE JUNAGADH DATED 16-1-2000  
signed on solemn oath by shri p.c. ( P.C.DAVE )  
dave to whom i know personally x P.C. Dave.

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Amel Al  
H

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

OA .No 567/93

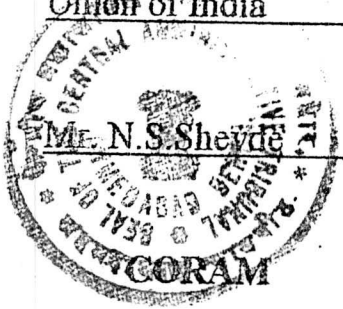
: Date of Decision: 8/9/99

All India Guard Council and Ors. : Petitioner (s)

Mr K.K.Shah : Advocate for the petitioner(s)

Versus

Union of India : Respondent(s)



: Advocate for the respondent(s)

The Hon'ble Mr. V. Radhakrishnan : Member(A)

The Hon'ble Mr. A.S.Sanghavi : Member (J)

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Advocate



1. All India Guard Council  
Represented by their Rajkot  
Divisional Secretary  
Shri K.B.Bhatt  
Regd. Trade Union.

2. Shri B.R.Ramteke
3. Shri B.P. Gosai
4. Shri N.N.Solanki
5. Shri M.J.Goswami

: Applicants

Advocate: Mr.K.K.Shah

Versus

1. Union of India,  
Notice to be served through  
The Secretary, Railway Board  
Rail Bhavan, New Delhi.
2. The General Manager,  
Headquarter Office, Western Railway,  
Churchgate, Bombay-400 020.
3. Divisional Railway Manager,  
Divisional Office, Western Railway,  
Kothi Compound, Rajkot.
4. Shri P.C.Dave,  
Goods Guard,  
Hapa to be served by the  
Respondent No.3 since working under  
Respondent No.3.

Advocate: Mr.N.S.Shevde

**JUDGMENT**  
**OA/567/93**

**Date:8/9/99**

**Per: Hon'ble Mr.V.Radhakrishnan**

**: Member(A)**

Heard Mr.K.K.Shah and Mr.N.S.Shevde , learned advocates for the  
applicants and the respondents respectively.

At 11 15 12

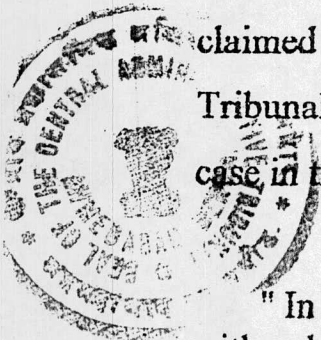
The applicants in this case have approached to this Tribunal praying for the following reliefs:-

- A. This Hon'ble Tribunal may please be quashed and set aside the Impugned order Annexure A (Colly.) and any further orders of absorbing the surplus staff of Telegraphic Signallars as Goods or Mail/Express or Passenger Guard or Assistant Guard requires to be held illegal and bad in law and be further held that the same is without any authority of law and violative of Article 14 & 16 of the Constitution of India and against the law laid down by this Hon'ble Tribunal in OA No.26/92 and the Railway Board order dated 21.4.89 may also be declared as ultra vires and unconstitutional on any appointment or absorption of any surplus telegraphic staff in the cadre of Guards on the basis of the same and the judgment of the Tribunal in OA/26/92 may be declared judgment in Rem to avoid further litigation from different division in the interest of justice and the absorption in the post of Goods Guard of Respondent No.4 and any others may be quashed and set aside in the interest of justice as consequential relief.
- B. The application may be allowed with cost.
- C. Any other order or direction as may be deemed fit in the facts and circumstances of the case may please be passed by this Hon'ble Tribunal."

It is pointed out that reliefs claimed in this OA are similar to that claimed in some earlier OAs which have already been disposed of by this Tribunal especially the OA No.26/92 decided on 10.5.93 . The Bench in that case in the operative part of the judgment stated as follows:-

" In the circumstances , we dispose of this application (i.e.OA/26/92) with a declaration that the senior signallers in the grade Rs.1200-2040 , who have been rendered surplus, cannot be absorbed as Goods Guards in the grade Rs.1200-2040 , because the latter post is not in an equivalent grade but is in effect, on a much higher grade and the absorption would, therefore, amount to be a promotion which is unjustified and discriminatory."

Accordingly, respectfully agreeing with the above judgment, we dispose of the present OA in the same lines namely;



:4:

ORDER

In the circumstances, we dispose of this application (i.e. OA 567/93) with a declaration that the senior Signallers in the grade of Rs.1200-2040, who have been rendered surplus cannot be absorbed as Goods Guards in the grade of Rs.1200-2040, because the latter post is not in an equivalent grade but is in effect, on a much higher grade and the absorption would, therefore, amount to be a promotion which is unjustified and discriminatory. Hence, we quash the impugned order at Annexure -A (Colly) of the respondents to absorb Respondent No.4 and others similarly placed in the category of Goods Guards.

Interim relief granted by this Bench on 30.9.93 is made absolute No costs.

Sd/-  
(A.S.Sanghavi)  
Member(J)

Sd/-  
(V.Radhakrishnan)  
Member(A)

Prepared by  
Checked by  
Reviewed by  
True Copy

RSL  
5/11/2000

Section Officer (A)  
Central Administrative Tribunal  
Ahmedabad Bench



Pl 13

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 37 of 2000

PRADIPKUMAR CHANDULAL DAVE

Versus

ALL INDIA GUARD COUNCIL

THRU DIVISIONAL CONTROLLER

Appearance:

MR KOBJE for MR. CV PRAJAPATI for Petitioner

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE D.H.WAGHELA

Date of Order: 10/01/2000

ORAL ORDER

Learned advocate seeks permission to withdraw this petition with a view to enable him to file a Review Application before the Tribunal. Permission granted with liberty as aforesaid. This petition stands disposed of accordingly.

( B.C. PATEL, J. )

CSM./

( D.H. WAGHELA, J. )

No of pages : 1

Charge @ Rs.3.00/page : Rs. 3.00

Note : The print is as per the information entered in the computer. In case of any discrepancy, inaccuracy, error or incompleteness kindly contact and bring to the notice of the Deputy Registrar for necessary corrections.

\*\* INQUIRY COUNTER

GUJARAT HIGH COURT

Adv. 25  
7-25  
TAUT COPY



लिखिका को भी यह चार आग्रम वतन वृद्ध का लाभ दिया जाए जिन्होंने वरीयता सह योग्यता को लिखित परीक्षा उत्तीर्ण कर पदोन्नति की है। यह आशा की जाती है कि रेलवे बोर्ड इस सम्बन्ध में उचित आदेश शीघ्र प्रसारित करेगा।

## सरप्लस तार संकेतकों को समाहित करना

सरप्लस तार संकेतकों को समान वेतनमान में समाहित करने का मामला एक लम्बे समय से ज्वलन प्रसन बन गया है। क्योंकि यह तकनिकि विभागों में लम्बे समय से रिक्तियां उपलब्ध नहीं है।

यूनियन द्वारा प्रतिनिधित्व करने पर प्रशासन ने अपने पत्र संख्या ई यू/१६०/१४/६/३६६ दिनांक ६-५-९६ द्वारा तार संकेतकों को रैंकरों के १५% ग्रेज्यूएट कोटा और ८५% वरीयता सह योग्यता कोटा दोनों में गुड्स गार्ड के चयन में शामिल होने की पात्रता प्रदान की गई चूंकि विभिन्न श्रेणियों का निर्धारित प्रतिशत है अतः इन सरप्लस कर्मचारी को चयन में जिस श्रेणी का प्रतिशत कम होगा उस कमी के विरुद्ध शामिल किया जाएगा।

ed period from 1.1.1973 to 31.3.1981. Unfortunately, however, this benefit has not been extended to those employees who have been promoted as CGs-I against 25% of the posts on the basis of seniority-cum-suitability written examination.

Prior to 1.1.1973, employees who had not passed Appendix IIA examination but were promoted on the basis of seniority-cum-suitability written test were treated on par and granted 4 advance increments (Western Rly. AHQ S.O.No. 300 of 17.1.1969 and S.O.No. 415 of 17.4.1969 and AAO(W&S) Dahod's No. WS/DHD/Adm/69(64) of 14th July 1969). Once an employee was promoted as CGI (Accounts Assistant) either on his passing Appendix IIA Examination or on the basis of seniority-cum-suitability written test against 25 quota, no distinction was made for his future promotion to scale Rs. 425-640(RS)/1400-2600 (RPS).

In view of this, WREU, through AIRF, has represented that the benefit given to Appendix II A passed candidates be extended to senior employ-

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ees who have been promoted as CGs I (Accounts Assistants) on the basis of seniority-cum-suitability written test. It is earnestly hoped that Railway Board will issue necessary clarification in this connection.

## ABSORPTION OF SURPLUS TELEGRAPH SIGNALLERS

The question of absorption of surplus Telegraph Signallers in proper equivalent grades is hanging fire for a very long time due to non-availability of vacancies in non-technical departments.

On representation by the Union, the administration vide their letter No. EU1160/94/6/366 dated 6.5.1996 have decided that these Telegraph Signallers will be allowed eligibility for appearing in the selection of Goods Guard both against 85% quota reserved for rankers as also 15% for graduates. Since there is laid down percentage for various categories, these surplus staff will be considered against shortfall in any of the categories during selection.

## UNDUE DELAY IN APPOINTMENT OF WARDS ON COMPASSIONATE GROUNDS

DRM Ajmer has been delegated powers for appointment of wards of deceased employees who had been working under CWM Ajmer against vacancies in group 'C' within his jurisdiction. It is complained by WREU Workshop, Ajmer, that more than 10 such cases of Ajmer workshop are pending clearance from DRM Ajmer for the last 18 months. This type of undue delay in disposing of cases of appointments of wards causes unnecessary hazard to the family members of deceased railway employees. It is hoped that CPO who is supposed to be also incharge of welfare of railwaymen will look into the matter and see that the pending cases with DRM Ajmer are cleared and no delay takes place in future.

## CONTINUITY OF SERVICE-N.G. BAXI

Shri N.G. Baxi, Welfare Inspector, Rajkot, who was appointed as a Record Sorter on 3.3.1958 and who resigned on 30.3.1962 and joined as a Clerk on 31.3.1962 against 'Sports Quota' was denied the benefit of continuity of service for pensionary benefit on his retirement on 30.11.1994. WREU represented that this was a case where an employee resigned from one post to join another post in the same railway and that it did not constitute a break in service or forfeiture of past services in terms of Board's letter No. F(E)III-77/PNI/11 dt. 5.8.1977, as a result of which GM vide his letter No. E1054/Policy/RJT/95 dated 3.5.1996 has directed DRM Rajkot to take into account the service rendered by Shri Baxi as Record Sorter for

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