

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
~~XXXXXXXXXXXX~~  
CUTTACK BENCH

O.A. No. DA.271/89, 388/89 & 431/89

T.A. No.

DATE OF DECISION 24.12.91

R.K. KAR & ORS.,  
NARAYAN PADHI & ANR.,  
NIRANJAN PATNAIK & ORS.

Petitioner

Mr. G.A. Dora,

Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS.,

Respondents

Mr. Ashok Mohanty,  
Mr. L. Mohapatra,

Advocates for the Respondent(s)

C O R A M

The Hon'ble Mr. K.P. Acharya, Vice-Chairman

The Hon'ble Mr. J.C. Roy, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or nor ? *Yes*
3. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH  
CUTTACK

Present : Hon'ble Shri K.P. Acharya, Vice-Chairman

Hon'ble Mr. J. C. Roy, Administrative Member

1. O.A. 271 of 1989

R. K. KAR & ORS VS UNION OF INDIA & ORS

2. O.A. 388 of 1989

NARAYAN PADHI & ANR VS UNION OF INDIA & ORS

3. O.A. 431 of 1989

NIRANJAN PATNAIK & ORS VS UNION OF INDIA & ORS

For the applicants : Mr. G.A. Dora, counsel

For the respondents : Mr. Ashok Mohanty, counsel

In O.A. 271 & 431  
of 1989)

For the respondents in : Mr. L. Mahapatra, counsel  
O.A. 388 of 1989

Heard on : 13 .11.91 : Judgement on : 24.12.91

J U D G E M E N T

J. C. Roy, A. M. :

The facts and the questions of law involved in all the three cases being similar, we heard them analogously. In all these cases, the dispute is in regard to inter-se seniority amongst the Semi-skilled, Highly Skilled, Gr. III and Highly Skilled Gr. II employees in the recently opened Mancheswar Workshop of South Eastern Railway.

2. The facts required for understanding the dispute are that a new Carriage Repair Workshop was established at Mancheswar by the South Eastern Railway. For building up a nucleus of workers for the new unit some direct recruitments were made but for the posts in dispute, it was decided that these were to be filled up

only by promotion by workers of other seniority units of South Eastern Railway. For this purpose, by a circular dated 22.12.80 issued by the Chief Personnel Officer of S.E.Rly a policy for filling up such posts was issued. So far as the posts in dispute are concerned, according to this circular, the first preference was to be given to serving employees of the three workshops of S.E. Rly located at Kharagpur, Raipur and Nagpur. Next preference was to be given to serving employees of appropriate trade from different Technical Departments and establishments in other seniority units of S.E.Rly. To begin with the posts in Mancheswar workshop were created by transferring such posts from other recruiting units. Similarly, the employees were also drafted from other units, by granting them one ad hoc promotion, till the project became permanent, and became a different seniority unit. It may be mentioned that in para 4.2 of the aforesaid circular it was stated that seniority of employees in different grades would be regulated in terms of paras 311 and 321 of the Railway Establishment Manual (IREM). Subsequently, the said CPO of S.E.Rly by a circular dated 9.11.87 announced the formation of a separate and independent workshop cadre for the Mancheswar workshop with effect from 1.1.88. In pursuance of this circular, a seniority list of Khalasi Helpers was prepared on 2.7.89 by the Chief Workshop Manager in which the names of all the applicants appeared along with others.

3. After stating the background, we may briefly state the individual cases of the applicants of the instant three applications. In O.A. 271/89, all the three applicants were already in the Semi-skilled grade of Khalasi Helper or its equivalent pay-scale of Rs. 196-232/ (Revised Scale Rs. 800-1150/-) in Chakradharpur division before they were ordered to join Mancheswar workshop on <sup>hoc</sup> <sub>ad-</sub> promotion in the Skilled Grade III of Trimmer and Machinists in the scale of Rs. 260-400/ ( Revised Scale Rs. 950-1500/-) by an order dated 28.1.85 . In O.A. 388/89 also both the applicants were

already in the Semi-skilled grade of Khalasi Helper in Chakradharpur division before they were ordered by the same order dated 28.1.85 to join Mancheswar workshop on ad hoc promotion to the Skilled Grade III of Fitter. In O.A. 431/89 also all the three applicants were confirmed before 1981 in the Semi-skilled Grade and were transferred with ad hoc promotion to the Skilled Grade-III by an order dated 28.1.85. In this case, applicants 1 and 2 were from Bilaspur division whereas applicant 3 (P. Rama Mohan) was drafted from Waltair division of S.E.Rly. All the applicants joined Mancheswar workshop on ad hoc promotion after 28.1.85 on different dates and were subjected to a trade test for promotion from Semi-skilled to Skilled Grade-III. An office order was issued by the Addl. Chief Mechanical Engineer (Workshop) according to which all the applicants were promoted with effect from 1.5.85 and posted in the Skilled Grade-III on different dates at different units of the workshop. In this order, it was clearly stated that the applicants had passed the necessary trade tests for promotion to the higher grade before their posting order was issued. But at the same time it was also stated that the promotion was purely ad hoc in nature and would not confer on the officiating incumbents any claim to seniority over their seniors. In the case of some of these applicants in between 1985 and 1989 when they filed the present applications, they got a further promotion to Skilled Gr. II posts in the scale of Rs. 1200-1800/- and the impugned seniority list shows that they were working from different dates of 1987 in such higher grade posts at the time of filing of these applications or at the time of circulation of the impugned seniority list. For getting this still higher promotion in Mancheswar workshop they had to pass the necessary trade test.

4. The common prayer of the applicants is that they should be declared to have been regularly appointed in Skilled, Gr. III and

that those who had passed the trade test for the higher grades should get the benefit of such promotion from the date of their passing the tests.

5. The case was contested on behalf of the respondents by filing a written reply. The main points taken are that according to CPO's circular of December 1980 (already referred to above) it was stated that till the formation of Mancheswar cadre, all promotions of volunteers, who came from other seniority units, would be ad hoc in nature. Once Mancheswar workshop became a different seniority unit, the inter-se seniority amongst such volunteers would be regulated according to para 311 and 321 of IREM. By the order dated 9.11.87, the CPO announced the formation of a separate and independent Mancheswar workshop cadre with effect from 1.1.88. That is why, the impugned seniority list was prepared in September 1987 consisting of all the Khalasi Helpers and was circulated inviting objections/comments within 30 days. This seniority list was drawn up on the basis of substantive posts of all the staff in the new unit. As regards ad hoc promotions given to the Skilled Grades to the applicants after they qualified in the trade test w.e.f. 1.5.85, it has been stated that this trade test was essential even for getting ad hoc promotion in the workshop. Subsequent promotion from Skilled Grade, III to Skilled Grade II which some of the applicants got during the period from 1985 to 1989 was also ad hoc in nature and the trade test to which they were subjected to was necessary for such ad hoc promotion. According to the terms of drafting these employees from other seniority units such ad hoc promotions in the new unit did not confer any right for fixation of their seniority as Khalasi Helper (Semi skilled grade). It has further been claimed that upto 1.1.88, all the posts including the promotional posts of the workshop were temporary in nature and therefore, all the promotions that the applicants get are to be treated as ad hoc and based on the seniority list circulated in 1987 and that when their turn comes they would be promoted to the next higher grade of Skilled,

Gr. III and from there to Skilled, Gr. II. It has been explained in the reply that for such promotion when their turn comes, the applicants will have to pass the trade test once again.

6. We heard Mr. G.A.R.Dora, learned counsel for the applicants in all the three cases and Mr. Ashok Mohanty, learned counsel for the South Eastern Railway in some details. Mr. L.Mahapatra, learned counsel appeared on behalf of the S.E.Rly in O.A. 388/89 and more or less adopted the arguments of Mr. Mohanty.

7. Mr. Dora's main argument was that the applicants joined Mancheswar workshop as a result of a call for volunteers sent out by the S.E.Rly authorities. The principle which was to be followed when Mancheswar workshop became a separate seniority unit was laid down in the CPO's circular dated 22.12.80. At the time of joining in the early months of 1985, all the applicants were confirmed in the Semi Skilled grade of Khalasi Helpers in their parent units. When they joined they joined on ad hoc promotion in the next higher grade of Skilled, Gr. III. But by the order dated 1.5.85 they were promoted after being subjected to a trade test to the Skilled, Gr. III. Some of them, took the trade test for the next promotion also and were promoted to the next higher post of Skilled, Gr. II. He submitted that since the applicants were trade tested before such promotions, these promotions cannot be called ~~xxxxx~~ ad hoc. Since other candidates had an equal opportunity to join Mancheswar workshop between 1981 and 1989 on the same terms and conditions as stated in the CPO's circular of December 1980, the determination of seniority in Skilled, Gr. III and Skilled, Gr. II cannot be left open to future volunteers who joined this workshop after it became a separate seniority unit with effect from 1.1.88. Mr. Dora, however, fairly submitted that <sup>in the case of</sup> those who were senior to the applicants in the substantive post of Khalasi Helper and whose names figured in the seniority list circulated in 1987, if an opportunity

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is given to them for promotion to Skilled, Gr. III in preference to the applicants, he may not have any objection. But those amongst the applicants, who were officiating in the next higher grade of Skilled, Gr. II after passing the trade test and have put in two years or more service in that grade in 1987, cannot be allowed to go below their seniors in the substantive grade of Khalasi Helper even though their names appeared in the seniority list of 1987. On the question of what constituted ad hoc service as against temporary service, Mr. Dora cited the following judgements :

- 1) Direct Recruit Class II Engineering Officers Association -vs- State of Maharashtra ... AIR 1990 SC 1607
- 2) Rajbir Singh -vs- Union of India ..., AIR 1991 SC 518
- 3) K.N.Mishra & Ors -vs- U.O.I. ... ATR 1986(2)CAT 270
- 4) S.C.Jain -vs- U.O.I. ... ATR 1986(2)CAT 346

8. Mr. Mohanty, on the other hand, submitted that the trade test which the applicants claimed to have passed before the order dated 1.5.85 promoting them to Skilled, Gr. III was passed, was only for continuing as Skilled, Gr. III in a workshop. He pointed out that all the applicants were promoted from other units of the railway and had no experience of work in the workshop. His contention was that passing of this trade test only made them eligible to continue on an ad hoc basis as Skilled, Gr. III employees in Mancheswar workshop. In the order also it was clearly stated that the ad hoc promotion would not confer any right on the promotees to claim seniority over their seniors.

9. At this stage, we asked for two clarifications from Mr. Mohanty. First, we wanted to know whether the promotion from Semi-skilled (Khalasi Helper) to Skilled, Gr. III post and further promotion from Skilled, Gr. III to Skilled, Gr. II post were based on selection. Mr. Mohanty clarified that these were not selection posts. In other words, the promotion was made on the basis of

seniority subject to elimination of the unfit. For measuring fitness of a candidate, a trade test was taken.

10. The second clarification we sought was if the prayers of the applicants were rejected, would they be required to undergo another trade test when their turns according to seniority came for regular promotion in Skilled, Gr. III. Mr. Mohanty's answer was in the affirmative. We wanted to clarify whether the syllabus, contents and the scope of the trade test for ad hoc promotion were different from the trade test for regular promotion? Mr. Mohanty frankly admitted that there was no such difference.

11. The second contention of Mr. Mohanty was that till 1.1.88, the question of regularisation of any of the employees drafted for Mancheswar workshop did not arise as there was no permanent post for such regularisation. He pointed out that in the preparatory stage the posts in different grades were transferred from other seniority units to the workshop. Similarly, employees were also drafted from other seniority units. This transition period continued upto 1987 and it was decided to sanction some posts and constitute a separate and independent unit of Mancheswar workshop. For deciding the inter-se seniority of employees, he produced the CPO, S.E.Rly's circular dated 9.11.87 in original. Mr. Mohanty argued that since the impugned seniority list was prepared in accordance with this circular, the applicants could not have any grievance.

12. We have gone through the records of these cases and carefully considered the rival contentions of the learned counsel. There is practically no dispute about the facts of the case. It is quite clear that with effect from 1.1.88, the applicants' inter-se seniority in the different grades of Skilled, Gr. III and Skilled, Gr. II are to be determined because a new seniority unit has come into existence. In the CPO's letter dated 9.11.87, in para 5 it has been clearly stated that with effect from 1.1.1988

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unless any employee of the Mancheswar workshop expresses his willingness in writing to revert back to his parent unit, he will be absorbed in the new cadre of the workshop. In the seniority list circulated in September 1987, we find that the seniormost amongst the applicants shown is Shri Niranjana Pattnaik, applicant No. 1 in O.A. 431/89. His position in the seniority list is at Sl. 4 and there are three other persons above him in this list. For the purpose of understanding the dispute in question it would be enough to go through the service particulars of these four persons.

13. The first person is one Soudagar Pradhan. His first date of appointment is shown as 1.8.62. He was promoted to the grade of Khalasi Helper with effect from 1.8.78. He reported to Mancheswar workshop on 4.4.85 and is now working as an ad hoc Fitter, Gr. III from 1.5.85. The next name is one Bali, who joined first on 19.11.70, was promoted as Khalasi Helper with effect from 1.8.78, joined Mancheswar workshop on 22.2.85 and is working as ad hoc Crane Driver, Gr. III w.e.f. 1.5.85. The name next appears is Suryanarayana, who joined service first on 10.3.71, was promoted as Khalasi Helper w.e.f. 1.8.78, joined Mancheswar workshop on 20.4.85 and is now working as ad hoc Fitter, Gr. III with effect from 1.5.85. The next senior, Shri N. Pattanaik first joined the railways on 26.3.71, was promoted to Khalasi Helper w.e.f. 1.8.78, joined Mancheswar workshop on 14.3.85 and was promoted as Crane Driver, Gr. II w.e.f. 1.8.87. Similar is the case of P. Rama Mohan, whose name appears next to Niranjana Pattnaik. He was also promoted on ad hoc basis as Crane Driver, Gr. II w.e.f. 1.8.87. Shri K.S.R. Murty, applicant No. 2 of O.A. 431/89 is also working as ad hoc Mason, Gr. II w.e.f. 1.8.87. His name appears at serial No. 11 in the seniority list. Between P. Rama Mohan and K.S.R. Murty there are again employees who are all officiating in Skilled, Gr. III w.e.f. 1.5.85 excepting one Mohan Rao, who joined later and who started officiating w.e.f. 1.3.87 as Trimmer, III. Shri Rao

was substantively promoted as Khalasi Helper w.e.f. 1.8.78 in his parent unit and was given higher seniority<sup>to Murty</sup> probably, in view of the fact that he joined in the lower grade earlier than Murthi.

14. We have discussed the seniority list in the foregoing paragraph in order to understand the grievance of the applicants. At the time of formation of a separate seniority unit, the applicants have been placed in the Semi-skilled grade according to their seniority in their parent department. All these applicants were appointed in the workshop after undergoing a trade test w.e.f. 1.5.85. Some of them, even passed the next higher promotional test and were officiating in the next higher grade of Skilled, Gr. II from 1987 onwards. If Mancheswar workshop is allowed to give promotion by freezing the seniority of all those employees, who figured in this seniority list, the special effort put in by the applicants in passing the trade test in the case of higher promotion, will become futile. Even for promotion as Skilled, Gr. III, if, as it seems to be the railway's intention, employees of other seniority units are allowed to join as Khalasi Helpers or as Skilled, Gr. III, then the interests of the applicants are likely to be further prejudiced because railways are considering all these promotions including promotions to Skilled, Gr. III as ad hoc. If the railways draft from other seniority units employees in Skilled, Gr. II or even in Skilled, Gr. III posts after 1.1.88 and protect their seniority in their parent units, the applicants will be left in a situation of extreme uncertainty.

15. When Mancheswar workshop was being set up, volunteers were called from other workshops and units by the circular dated 22.12.80. There is no dispute that for the grades in question in these cases, there has to be no direct recruitment in the new unit. Para 4.2 of this circular particularly mentions that from the date when the new seniority unit is constituted, the seniority of employees drafted from other units would be regulated in accordance with paras 311 and

321 of the IREM. One of the significant points to be noted is that in framing the guidelines in the CPO's circular dated 9.11.87, there is no mention of these two paras of IREM. From 1981 upto 1987, people from other seniority units had come with the clear understanding that when the new unit is constituted their inter-se seniority will be determined by the above-mentioned two paras. Out of these, para 311 only deals with transfer in the interest of administration. There is an indication in para 3.2 of the November 1987 circular that after 1.1.88 and upto the time when the next phase is announced, employees coming on transfer shall be treated as having been transferred in the interest of administration. This indicates that the railway authorities intend to laterally induct employees in Skilled, Gr. III and Skilled, Gr. II to this workshop unit even after 1.1.88. The new inductees will be treated as being transferred in the interest of administration and will thus retain their seniority in their respective grades. In our opinion, this creates an uncertainty for the applicants and similarly placed employees of the workshop.

16. Let us now turn to para 321 of Chapter III of IREM (2nd Edn). This is on the subject of relative seniority of employees in an intermediate grade belonging to different seniority units appearing for a selection/non-selection test in higher grade. Para 321 is quoted below :

" When a post (selection as well as non-selection) is filled by considering staff of different seniority units, the total length of continuous service in the same or equivalent grade held by the employees shall be the determining factor for assigning inter-seniority irrespective of the date of confirmation of an employee with lesser length of continuous service as compared to another unconfirmed employee with longer length of continuous service. This is subject to provision that only non-fortuitous service should be taken into account for this purpose."

In our opinion, it would be quite unfair to keep the applicants in a state of uncertainty in regard to their grade positions. Once the workshop is made into a separate seniority unit, any future transfer should be governed by the normal rules of inter-unit transfers. We

are expressing this view particularly because it was open to employees of other units to join the workshop between 1980 and 1987 as per terms and conditions laid down in the CPO's circular dated December 1980. It cannot be said that any future aspirant was denied of this opportunity. At the same time, if they are allowed to join in an intermediate grade retaining their seniority in the old unit, the applicants rights and privileges will be seriously jeopardised.

17. The next question that arises is whether the applicants should be allowed to continue to officiate in the intermediate grades to which they were promoted between 1985 and 1989. As Mr. Dora submitted, if any grade promotion is to be given that should be governed by the impugned seniority list circulated in September 1987. In other words, the employees who have been shown senior to the applicants in this seniority list in the grade of Khalasi Helper should have a chance to be promoted to the next higher grade of Skilled, Gr. III provided they pass the required trade test. If anybody junior to them but who has passed the test earlier and was officiating in Skilled, Gr. III from an earlier date, he has no right to promotion in that grade if any of his senior in the feeder grade qualifies in the test. From the gradation list, however, it appears that there will be no such problem for grade of Skilled, Gr. III because all the persons whose names appear in the gradation list are already officiating in Gr. III. There will be, however, a problem regarding Gr. II promotion. As has been pointed out in a preceding paragraph, many such seniors remain in Gr. III where they were appointed on ad hoc basis w.e.f. 1.5.85 whereas some of the applicants have started officiating in Gr. II from 1987 onwards. At the time of circulation of this seniority list and at the time of filing of these applications, these applicants have already completed two years or more service in Gr. II.

These services were ad hoc only because there was no permanent post in the workshop. They were promoted after passing the proper trade test and this trade test is not different from the trade test conducted for giving regular promotion. We, therefore, see no reason why they should be subjected to another trade test for regularisation.

18. The other question is that in Gr. II they have already put in more than two years ad hoc service. Therefore, in Gr. II this service has to be counted. It will be very unfair to give promotion to any person, who is senior to such applicants in the grade of Khalasi Helper<sup>only</sup> on the basis of his seniority in that grade, to Grade II post which is two places above the grade of Khalasi Helper. If this is allowed to do, then some of the applicants, who are officiating in Gr. II posts for two years or more, may have to be reverted to Gr. III immediately. This will not be consistent with the provision of Para 321 of IBEM which has been quoted above.

19. Turning now to the case laws cited by the learned counsel for the applicants, we find our conclusions find some support from the case of Rajbir Singh (supra). In that case, also pertaining to railways, the appellants were promoted in 1975. After 11 years of service they were regularised in Class III in 1986. When the question of next promotion came vis-a-vis their rivals, who had been continuously officiating in the clerical grade from 1983. The Principal Bench of this Tribunal came to the conclusion that ad hoc service of the applicants for 11 years should not be counted towards seniority. Their lordships of the Supreme Court reversed this decision and decided that 11 years of ad hoc service has to be taken into consideration in determining the seniority of the appellants. Another case not pertaining to the railways is the case of S.C. Jain (supra). In that case, Shri Jain was promoted to the post of Technical Asst. in the year 1972 but the promotion was

ad hoc since recruitment rules were not finalised till 1978. The private respondent in that case Ram Prakash came from another unit and was promoted as Head Clerk on a regular basis from 1982. When the question of further promotion from the Head Clerk to Superintendent came, the D.G.H.S ruled that although a minimum of five years service was required in the feeder grades of Technical Asst. and Head Clerk, Shri Jain was to be considered as junior to Ram prakash. This decision of DGHS was struck down by the Principal Bench in its verdict. The peculiarity of this case is that here also promotion was ad hoc for technical reasons and for reasons which were beyond the control of the applicant Shri Jain. In the instant cases before us, the promotion to Gr. III of all the applicants was ad hoc only because there was no permanent post in the new unit. The other case cited by Mr. Dora relates to inter-se seniority between different streams and may not have a direct application to the present cases.

20. A similar question was gone into by a Full Bench of this Tribunal in the Principal Bench in the case of Jetha Nand & Ors - vs- U.O.I. & Ors in T.A. 844/86 and decided on 5.5.89 (Full Bench Judgements of C.A.T.- 1986-89 p.353). There of course the applicants' case was for regularisation in Class III without passing the prescribed promotional test. They heavily relied on long service on ad hoc basis and the 18 months rule contained in Railway Board's circular dated 9.6.65. But even with this difference it will be pertinent to quote para 56 of the judgement :

" In regard to the last question as to when an ad hoc employee can be reverted the answer is that if he has been appointed in a stop-gap arrangement, he can be reverted at any time. If he has not qualified in the selection test, he can still be reverted. If he has qualified in the test and had continued in ad hoc capacity for more than 18 months, he cannot be reverted except after following the Discipline and Appeal Rules. Further, we have also held that a person who has so far not qualified in the selection test and is holding an ad hoc post in the promotional post, he should be given several chances to qualify in the selection test and if even after repeated chances given to him he fails, there would be no other alternative but to revert him. The cardinal principle is that he must have qualified in the selection test to become suitable for the post. "

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21. Considering all aspects, we conclude that it will be inequitable to bring in new employees from other seniority units after 1.1.88 and decide their seniority on the basis of Para 311 and Para 321 of IREM. Even for grade promotion from Skilled, Gr. III to Gr. II, it should be limited from amongst those employees, who figure in the seniority list of September 1987. It will be unfair to revert the applicants from the higher post <sup>(Gr. II)</sup> where they are officiating in favour of their seniors in the Khalasi Helper's grade if they pass the trade test in the future. In our opinion, their promotion was ad hoc merely because regular posts were not available. Their seniors also had equal opportunity of passing the trade test for being promoted. Such ad hoc promotions should count for ~~seniority~~ <sup>seniority</sup> in Gr. II. It appears as totally irrational that those who have passed the trade test for promotion from Gr. III to Gr. II and who have actually worked in this workshop for more than a year in the higher grade should be called upon to sit for the trade test merely for confirmation or regularisation. In our opinion again, regularisation is to be distinguished from confirmation. While for confirmation in a higher post, the pre-requisite is to have a permanent vacancy, regularisation of appointment means that the appointment/promotion has been made by following the rules of such appointment/promotion. In all such cases, equal opportunity to all equally placed staff has to be ensured before declaring a particular appointment/promotion as regular. In the facts and circumstances of the cases before us, we are of opinion that all the employees, whose names figure in the seniority list of Khalasi Helper, had equal opportunity for grade promotion. We also hold that in other seniority units also between the year 1981 and 1987, Khalasi Helpers or Gr. III or Gr. II skilled employees had an opportunity to come on deputation to the Mancheswar workshop in terms of the CPO's circular of December 1981. Thus, we feel that the appointment and/or promotions made in the workshop in 1985 and subsequently were all regular appointment/promotions.

22. In the result, we dispose of all these three applications with the following directions :

i) The respondents shall prepare seniority lists grade-wise as on 1.1.88 for Khalasi Helper, Skilled, Gr. III and Skilled, Gr. II employees, in the Mancheswar workshop;

ii) After 1.1.88 any employee from other seniority units, who joined the Mancheswar workshop, will be treated for the purpose of seniority under the rules of transfer from one seniority unit to another seniority unit at his request;

iii) In giving grade promotion from the basic grade of Khalasi Helper, the seniority lists so prepared will be followed. But the date of continuous officiation in each of the intermediate grade of Skilled Gr. III and Skilled Gr. II shall count for seniority in that particular grade

iv) In the case of grade promotion for making employees permanent those who have passed the relevant trade test, even for ad hoc promotion, shall not be called upon to pass the test once again.

v) The aforesaid directions shall be complied with within four months from the date of receipt of a copy of this order.

23. This common order will govern all the three cases viz. O.A. 271/1989, O.A. 431 of 1989 and O.A. 388 of 1989. There will be no orders as to costs in either of them.

  
(K. P. ACHARYA)  
VICE CHAIRMAN



  
(J. C. ROY)  
MEMBER (A)