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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.136 OF 1991
Cuttack, this the 12th day of May, 1997

Bijaya Kumar Khuntia and 33 others Applicants

Vrs.

Union of India and others Respondents

(FOR INSTRUCTION)

- 1) Whether it be referred to the Reporters or not? Yes .
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO .

JS.
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (JUDICIAL)

Somnath Som
(S.SOM)
VICE-CHAIRMAN 12-5-97

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO.136 OF 1991
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CORAM:

HONOURABLE SRI S.SOM, VICE-CHAIRMAN
AND
HONOURABLE SMT. L.SWAMINATHAN, MEMBER (JUDICIAL)

....

1. Bijaya Kumar Khuntia
2. Bijaya Kumar Pradhan
3. Bijaya Kumar Ojha
4. Susanta Kumar Mistry
5. Haralal Hawaldar
6. Subash Chandra Mohapatra
7. Harekrushna Behera
8. Madhusudan Subudhi
9. Sudhansu Maharana
10. Basanta Kumar Mohapatra
11. Sachidananda Jena
12. Raghunath Singh
13. Jatindranath Naik
14. Ramakrishna Sahoo
15. Kailash Kumar Pradhan
16. Suryanarayan Panigrahi
17. Gajendrakumar Behera
18. Purnachandra Das
19. M.Laxminarayana
20. Rabindra Kumar Mohanty
21. Babaji Charan Behera
22. Rama Chandra Behera
23. Abedha Kumar Sahu

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24. Basanta Kumar Dash
25. Rabindranath Mallik
26. Narendra Kumar Mallik
27. Ananta Narayan Singh
28. Sunil Kumar Hansadah
29. Bijayananda Sahoo
30. Jagannath Pattnayak
31. Srinibas Chandra Giri
32. Prafulla Chandra Mahapatra
33. Ranjit Kumar Panda
34. Jere Kisku

(Sl.Nos. 1 to 34 are all serving as Motor Mechanics
in the establishment of the Carriage Repair Workshop,
Mancheswar, Orissa, Bhubaneswar)

.....Applicants

-versus-

1. Union of India, represented through its
Secretary, Ministry of Railway, New Delhi
2. General Manager, SE Rly., 11, Garden Reach Road,
Calcutta-43
3. Chief Workshop Manager, Carriage Repair Workshop,
S.E. Railway, Mancheswar, Dist. Puri
4. Sibiji Singh
5. Pathani Patnaik
6. Sk. Tajbul
7. Gadadhar Swain
8. K.C. Barada

Sl.Nos. 4 to 8 are serving as Driver (Motor Mechanic-cum-
Drivers) in the establishment of the opposite party No.3 -
Chief Workshop Manager, Carriage Repair Workshop, SE Railway,
Mancheswar, Dist. Puri

..... Respondents

Advocates for applicants - M/s A.K.Misra,
S.K.Das & S.B.Jena

Advocates for respondents - Mr.Ashok Mohanty
(For Respondents 1,2 & 3)

M/s S.K.Dash & D.Satpathy
(For respondents 4 to 8)

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O R D E R

S.SOM, VICE-CHAIRMAN

In this application under Section 19 of the Administrative Tribunals Act, 1985, Bijaya Kumar Khuntia and 33 others have challenged the seniority list of Motor Mechanics-cum-Drivers in the Carriage Repair Workshop of S.E.Railway (Annexure-4) on the ground that Motor Mechanics and Drivers have been wrongly and illegally included in the same seniority list. They have also asked for exclusion of respondents 4 to 8 who have been shown as ad hoc Drivers from the impugned seniority list. The representation made by the applicant and others for bifurcation of seniority list of Motor Mechanics from Motor Mechanics-cum-Drivers and other allied trades was rejected by respondent no.3 in his order dated 21.12.1990 (Annexure-8). The applicants have also prayed for quashing this order. We have heard the learned counsels for both parties and perused the materials available on record.

2. It has been submitted by the applicants that in response to an advertisement published on 31.1.1981 for recruitment of trainees to be absorbed as Skilled Artisans (Annexure-1), the applicants applied and were selected for absorption as Motor Mechanics. After recruitment, they had undergone training for

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six months and more for some of the recruits. According to the applicants, the normal chances of promotion of a Motor Mechanic, who is a Skilled Artisan Grade-III, is to the rank of Skilled Artisan Grade-II and then Skilled Artisan Grade-I, Chargeman-A, Chargeman-B and Assistant Shop Superintendent (Assistant Foreman) and finally Shop Superintendent. According to them, the line of promotion for Drivers is from Driver Grade-II to Driver Grade-I ending with Master Craftsman which is at a much lower level than the post to which a Motor Mechanic can aspire. A seniority list of Motor Mechanics Grade-I as on 31.12.1987 was circulated by respondent no.3 (Annexure-3). In this, applicant nos. 1 and 2 were shown as Driver-Motor Mechanics Grade-III. These two applicants do not seem to have made any representation against showing them as Driver-Motor Mechanics Grade-III in that seniority list. Subsequently, on 2.9.1989, the impugned provisional seniority list of Motor Mechanics-cum-Drivers (Annexure-4) was circulated. In this seniority list respondent nos.4,5 and 6 were shown against serial nos.1, 2 and 3 as Motor Mechanics Grade-III with notes in the remarks column that they have been working as ad hoc Drivers Grades I and II. Applicant no.1 was shown as Motor Mechanic Grade-III with a note in the remarks column that he has been working as ad hoc Driver-Motor Mechanic Grade-II, and applicant no.2 was shown as Motor Mechanic Grade-III with a note in the remarks column that he has been working as ad hoc Motor Mechanic Grade-II. Respondent nos.7 and 8 were shown against serial nos. 13 and 26 as Motor Mechanics Grade-III and in the remarks column against their names it was noted that they have been working as ad hoc Drivers Grade-II. In respect of two other persons, G.B.Mohanty appearing against

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serial no.19 and Trinath Sundar Roy appearing against serial no.29, the words "own representation" have been noted in the remarks column. It has been submitted by the applicants that G.B.Mohanty and Trinath Sundar Roy exercised their option to drive vehicles and as such, worked as Drivers. After getting this seniority list dated 2.9.1989, applicant no.1 made a representation on 16.9.1989 to change his designation from Driver-Motor Mechanic to Motor Mechanic and this was agreed to and his designation changed and he was intimated in order dated 5.10.1989 (Annexure-5). The case of the applicants is that Motor Mechanics and Drivers are two different trades requiring different skills and they should not be clubbed together and Motor Mechanics should not be asked to drive vehicles which require possession of Driving Licence which according to the applicants, Motor Mechanics do not have. It has also been submitted that the condition of work and chances of promotion of Drivers and Motor Mechanics are widely different and on that ground also, these two trades should not be clubbed together. It is further submitted that if the Drivers are included in the seniority list of Motor Mechanics, then the chances of promotion of Motor Mechanics will be substantially reduced. On these grounds, the applicants have asked for the reliefs mentioned earlier.

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3. The respondents/their counter have submitted that after establishment of the Carriage Repair Workshop at Mancheswar a joint procedure order was issued as early as 22.12.1980. In this order all the different trades were grouped into fourteen main groups and under each group several trades having allied nature of work were grouped together. Under the broad trade "Motor Mechanic" coming under serial no.9, the following categories

of workers were grouped:

"Motor Driver, Battery Truck Operator,
Fork Lift Operator, Motor Vehicle
Mechanic, Driver (Motor Mechanic)"

The case of respondent no.3 is that this impugned seniority list of Motor Mechanics has been prepared including all these sub-trades under one trade of Motor Mechanics. It has also been submitted that posts of Motor Mechanics, who are Skilled Artisan Grade-III cadre, are filled up by direct recruitment and promotion on 50:50 basis. The present applicants are all direct recruits whereas respondent nos. 4 to 5 have been promoted from lower grades. Official respondents in their counter have contested the assertion made in the application that the avenues of promotion of Motor Mechanics and Drivers are different. According to them, both are due to be promoted from Skilled Artisan Grade-III to Skilled Artisan Grade-II and from Skilled Artisan Grade-II to Skilled Artisan Grade-I. Official respondents have claimed that as seniority list has been drawn up by clubbing sub-trades strictly in accordance with the joint procedure order of 22.12.1980, which came into force before the applicants were recruited, and such grouping of trades is based on a rational consideration, the seniority list cannot be challenged.

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4. From the above averments of the respective parties, it is seen that crucial question for determination is whether the clubbing together of different sub-trades like Motor Driver, Battery Truck Operator, Fork Lift Operator, Motor Vehicle Mechanic, Driver (Motor Mechanic) under one head of Motor Mechanic is legal and can be sustained. The first point to be noted in this connection is that it is for the departmental authorities to

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decide as a matter of policy the number of trades which would be grouped together in the Workshop. Such a matter of policy cannot be challenged by the applicants in this application. It is seen from Annexure-2, the joint procedure order that in other broad groups, a large number of sub-trades have been clubbed together, the sole exception being the trade of Mason. For example, under 'Sheet Metal Worker' (serial no.10) Copper Smith, Sheet Metal Worker, Tinsmith and Ritter (Corrosion) have been clubbed. Under 'Machinist (Wood)' (serial no.11), Wood Machine Operator, Sawyer (Ordinary), Sawyer (Wood), Machinist (Wood) and Turner (Wood) have been clubbed. Under the trade 'Blacksmith', come the following sub-trades:

"Hammerman, Striker, Furnaceman (Ordinary),
Blacksmith, Power Hammer Operator, Spring
Smith Furnaceman (I/C)."


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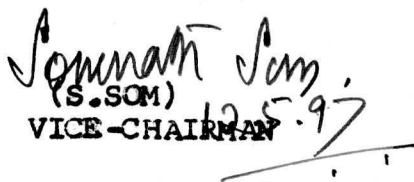
Thus it is seen that under every broad trade of different categories, different sub-trade categories have been clubbed. Such clubbing in case of Motor Mechanics is also not arbitrary because Motor Mechanics, Drivers, Battery Truck Operator, etc., must be taken as allied trades. A good driver must know something about motor mechanism and vice-versa. As a matter of fact, the applicants themselves in paragraph 14, page 9 of their application, have submitted that they "being qualified by virtue of their training also discharge the allied trades dealing on the subject of Fork-lift, Battery, etc." Thus from the averments of the applicants themselves, it is seen that they are discharging the duties of Fork-lift Operator, Battery Truck Operator, etc. Therefore, clubbing these sub-trades together in one broad trade category of Motor Mechanics cannot be questioned by them.

5. As regards the other contention of the applicants that by including Drivers in the seniority list of Motor Mechanics, their chances of promotion would get reduced, this cannot be a ground for challenging the seniority list because, as we have already held, these two sub-trades have been rightly included in one broad trade. Moreover, as has been laid down by the Hon'ble Supreme Court in Union of India v. S.L.Dutta and another, A.I.R. 1991 S.C. 363, reduction in chances of promotion cannot be a ground for the Courts to interfere in policy matters of the Department.

6. The last contention of the applicants is that similar clubbing of Drivers and Motor Mechanics is not being done in similar establishments at Raipur, Kharagpur and Nagpur and inclusion of Drivers in the seniority list of Motor Mechanics in the Carriage Repair Workshop at Mancheswar is discriminatory and violative of the rights of the applicants. As earlier noted, the clubbing of different sub-trades under one broad trade has been laid down in an order of December, 1980 for the Carriage Repair Workshop at Mancheswar and a different system which might have been followed in other Workshops cannot come to the help of the applicants in the face of the joint procedure order. In any case, the applicants have not proved the different system which is allegedly being followed in the other Workshops of the Railways, besides making this simple averment. This point also, therefore, fails.

7. In the result, it is held that the application is without any merit and is rejected. There shall be no order as to costs.


(SMT. LAKSHMI SWAMINATHAN)
MEMBER (JUDICIAL)


(S.SOM)
VICE-CHAIRMAN