

Adwaitya Barisal & Ors. Applicants
Versus
Union of India & Ors. Respondents

1. Order dated 13.04.2009.

Five Applicants who are working as Technician Grade III in the East Coast Railway by filing this Original Application under section 19 of the Administrative Tribunals Act, 1985 challenge the consideration/holding of trade test for promotion from Technician Grade III to Technician Gr.II without finalizing/preparing the gradation list in the feeder grade.

2. The contention of the Applicants is that as Trainee Technicians Gr.III, they were sent for mandatory training for six months and they reported for duty on 34.12.2004 (Annexure-A/2) and as such, their training of six months would be completed on 13.06.2005; whereas the Respondents treated the completion of six months period of training commencing from 17th December, 2004 and completing the same on 16.06.2005. Meanwhile as per the Recruitment Rules some of the vacancies in Technician Gr.III have been filed up by way of promotion and the promotees were shown to have been promoted w.e.f.15.6.2005. Further contention of the Learned Counsel for the Applicants is that according to the provision 302 of the Railway Establishment Manual, seniority is determined as per the date of joining and as such, by the action of the Respondents, the Applicants became junior to those promotees in the grade of Technician Gr.III. Appeal to Respondent No.2 for



reviewing the positions of the seniority between the Applicants vis-à-vis those promoted did not yield any result till date. The contention of the Respondents both in counter as also during hearing of this case is that all the applicants were empanelled by RRB/BBS for the post of Tr.Tech.Gr.III in scale of Rs.3050-4590/- and vide office letter dated 13.12.2004 they were directed/deputed to JE-II/TRD/BLS for undergoing six months 'on job training'. Further case of the Respondents is that though the applicants have reported at JE/TRD/Balasore on 14.12.2004, they could not be taken on roll on that day and not allowed in duty due to some administrative reasons like completion of some administrative formalities such as Opening of service books, necessary verification of testimonials etc.

3. Be that as it may, it is seen that the representation preferred by the Applicants is still pending and, therefore, it is considered appropriate to dispose of this OA with direction to the concerned authority/Respondent No.2 to take a final view (by a reasoned order) on the said representation of the dated 26-1-07 C.A 5 Applicants taking into consideration the provision of 302 of Railway Establishment Manual as also the certificate of the Jr.Elect Engineer at Annexure-A/3 and their joining report placed at Annexure-A/2, within a period of 60 days from the date of receipt of copy of this order and communicate the result thereof to all the Applicants. It is so ordered. No costs.

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MEMBER(A)

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MEMBER(J)