

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
OA 785 OF 1996

Present : Hon'ble Mr. D. Purakayastha, Judicial Member

Hon'ble Mr. G.S.Maingi, Administrative Member

Prafulla Kumar Mallick
Trained Graduate Teacher
Boy's Higher Secondary School
S.E.Rly. Adra

VS

1. Union of India through
the Secretary, M/o Railways,
Central Secretariat, New Delhi
2. The General Manager, S.E.Rly.
Garden Reach, Calcutta
3. The Chief Personnel Officer,
S.E.Rly. Garden Reach, Calcutta
4. The Div. Railway Manager (P),
Adra Division, S.E.Rly. Adra.
.... Respondents

For the applicant : Mr. A. K.Biswas, Counsel

For the respondents : Mr. P.Chatterjee, Counsel

Heard on : 7.4.2000, 12.4.2000 & 11.8.2000

Order on : 21.8.2000

O R D E R

G.S.Maingi, A.M.:

This application has been filed by Shri Prafull Kr. Mallick against the Union of India as also the General Manager, S.E.Rly. the Chief Personnel Officer, S.E.Rly. and the Divisional Railway Manager (P), S.E.Rly. Adra Division. The applicant, who has since retired as Trained Graduate Teacher from the Boy's Higher Secondary School, S.E.Rly. Adra, in this application has challenged the letter dt. 27.5.1992 issued by the CPO, S.E.Rly. (Annexure-A) wherein it was laid down that all eligible TGTs who had completed 12 years of service in the senior grade and had the requisite qualification including those who were not holding Master Degree but had completed 18 years of service as on 1.1.86 would be considered for appointment to 20% selection grade of Teachers in the scale of Rs. 2000-3500/-(RP). It was clearly stated in this letter that waiving the conditions of acquisition of higher level of qualification for allotment of 20%

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selection grade was a one time exemption and the TGTs, who had neither completed 12 years in the senior grade nor had the requisite educational/training qualification were not eligible for consideration of granting the benefit of 20% selection grade. With this letter, a list of eligible TGTs for consideration for awarding the benefit of 20% selection grade in scale Rs. 2000-3500/- was also attached and the name of applicant had appeared at S1. No. 37. This letter was, however cancelled and a new letter was issued on 10.4.95 (annexure-B) and a revised list of eligible teachers was published along with this letter in which the name of the applicant did not find place. In the last paragraph of this letter, it is clearly mentioned that the earlier letter dt. 27.5.92 is cancelled. In other words, there is no relevancy of the letter dt. 27.5.92 so far as the applicant is concerned and we confine ourselves to consider the subsequent letter dt. 10.4.95 in which more or less the same conditions were introduced by the respondent authorities. Thereafter, the respondents issued an office order No. P/ED/15/96 dated 21.5.96 (annexure-0) publishing the names of 30 TGTs, who had already completed 12 years regular service as on 1.4.88 or on a date subsequent to 1.4.88 in senior grade of Rs. 1640-2900/- and who had been found fit by the departmental promotion committee for grant of the benfit of 20% selection grade in the scale of Rs. 2000-3500/- with effect from the dates indicated against each of them. The name of the applicant was not included in this list.

2. It has been made clear by the respondents in their reply to the OA that the applicant had joined the railways in teaching post w.e.f. 9.8.68 whereas prior to that he had worked in a non-railway school from 17.6.60 and he left that school in the month of November, 1967. According to the respondents, service rendered in a non-railway school cannot be taken into consideration for the purpose of determining length of service and seniority or for counting 18 years of service in order to be eligible for grant of selection grade. This submission has been made by the respondents on the basis of a letter from the office of District Inspector of Schools (SE), North 24

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Parganas, West Bengal dt. 17.6.96, a copy of which is available at annexure-R3 to the reply.

3. The applicant had made a representation to the Chief Personnel Officer, S.E.Rly. on 10.4.95 (annexure-C) in which he had stated that he belonged to SC community and was a senior teacher enjoying the selection grade of TGT i.e. Rs. 1640-2900/- from 1.4.76 and that he had completed more than 18 years service in 1988 in a railway school and had completed 12 years service in senior grade upto 1.4.88. In his representation ~~had~~ ^{has} claimed that he had put in 17 years and 6 months of service in the Railway Boys Secondary School, Adra and 8 years in outside the SE Rly. school in Thakurnagar Balika Vidyalaya as a trained graduate teacher. But this has not been accepted by the respondents on the ground that service rendered in a private school would not be taken into consideration as already indicated above.

4. The case was listed for hearing on 7.4.2000, 12.4.2000 and 11.8.2000 when the applicant was represented by the 1d. counsel Mr. A.K.Biswas and the respondents were represented by Mr. P.Chatterjee, 1d. counsel. Mr. Chatterjee has also produced the connected departmental records for our perusal. While the case was vehemently and forcefully argued by the 1d. counsel for the applicant, the 1d. counsel for the respondents has stated that two major conditions are required to be fulfilled before a person can be given selection grade in terms of the instructions issued by the Rly. Board. These conditions are that a candidate for consideration for grant of the benefit of selection grade should possess a Post Graduate Degree and he should have put in the requisite years of service which in this case had not been completed by the applicant. On the contrary he had always been trying to claim the benefit of selection grade on the ground of his being a schedule caste candidate.

5. In their reply, the respondents have stated that in terms of Rly. Estt. Srl. No. 157/89, the Rly. Board clarified that the period of 18 years on the revised/pre-revised scales will be reckoned from 1.1.73 or from the date of option for the pre-revised scale, as the

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case may be. Subsequently, the Rly. Board vide their letter dt. 7.2.90 circulated under Rly. Estt. Sl. No. 41/90 (annexure-R1 to the reply) have further clarified that for the purpose of reckoning 18 years service, the total service rendered upto 1.1.89 has to be taken into account and the counting of 18 years of service has relevance to service in a particular grade only i.e. primary teacher/TGTs etc. and not in equivalent grades. It is asserted by the respondents that the applicant had not completed 18 years of service as on 1.1.89 and he also did not possess a Master's Degree either.

*Count
made over
of 7/2007*

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6. We have carefully gone through the submissions made by the applicant and also the contention of the respondents. We have also gone through the relevant orders on the subject. We find no merit in this application. Accordingly it is dismissed. No order is passed as to costs.

G.S. Maingi
21.8.2007
(G.S. MAINGI)

MEMBER(A)

D.P. Purakya
21/8/2007
(D. PURAKYASTHA)

MEMBER(J)