

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. NO. 1100 of 1996

Present : Hon'ble Mr. D. Purakayastha, Judicial Member
Hon'ble Mr. M. P. Singh, Administrative Member

K.K.Baroi,
Yard Master,
O/o Dy. Chief Yard Master (Goods),
S.E.Rly. Kharagpur.
R/o Qtr. No. NBT 69, Unit-B,
New Traffic Colony,
Kharagpur.

VS

1. Union of India through the
General Manager, S.E.Rly.
Garden Reach, Calcutta-43
2. Sr. Div. Personnel Officer,
S.E.Rly. Kharagpur.
3. The Chief Personnel Officer,
S.E.Rly. Kharagpur.
4. The Chief Yard Master (Goods),
S.E.Rly. Kharagpur.

... Respondents

For the applicant : Mr. A.Chakraborty, Counsel

For the respondents : Ms. U. Datta (Sen), Counsel

Heard on : 4.1.2001 : Order on : 4.1.2001

O R D E R

D.Purakayastha, J.M.:


The question for decision in this case is whether the applicant, Shri K.K.Baroi, being a direct recruit in the cadre of Traffic Apprentice in pursuance of the notification dated 30.9.1989 (Annexure-A to the OA) is entitled to get the scale of pay of Rs. 1600-2660/- from the date of joining the training on 8.8.1991 or from the date of completion of training of two years i.e. from 9.8.93. In other words, whether he is entitled to get the scale of pay attached to the post from the date of selection for training or from the date of joining the service after completion of the training.

2. According to the applicant, he was recruited as Traffic Apprentice in pursuance to an advertisement dt. 30.9.89 after being selected by the

Railway Recruitment Board as a direct recruit on 8.8.91. Thereafter, he was sent for training for two years and on successful completion of the training, he was absorbed in the service w.e.f. 9.8.93. It is his grievance that during the training period he was given only stipend of Rs. 1400/- in the first year and Rs. 1440/- in the second year. Thereafter, he was granted the scale of pay of Rs. 1600-2660/- from the date of absorption. His case is that he is entitled to get the scale of pay attached to the post from the date of his joining the training after selection as a direct recruit as per rules i.e. Rly. Board's circular dt. 15.5.87 (annexure-B). Hence this OA.

3. The respondents have resisted the claim of the applicant by filing a written reply. According to the respondents, as per Rly. Board's letter No. PC-IV/86/1mp/50 dt. 22.6.87 (RBE/S No. 162/87)(90) addressed to the General Managers of zonal railways, Traffic/Commercial Apprentices recruited in future in scale of Rs. 1600-2660/- will draw a stipend of Rs. 1400/- in the first year and Rs. 1440/- in the second year. It is submitted that on the basis of this circular, the applicant was paid the admissible stipend during the period of his training and after completion of training and on joining duty as Yard Master in scale of Rs. 1600-2660/-, his pay was fixed at Rs. 1700/- in terms of Estt. Srl. No. 109/92 and DRM(P)/Kharagpur's Office Order No. ESB/5/12/DOS/Appr./Increment dt. 5.1.94. The respondents have, therefore, submitted that the pay of the applicant was fixed in terms of rules rightly and his claim made in this OA is not correct. They have accordingly prayed for rejection of the OA.

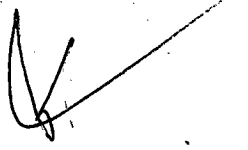
5. We have heard the learned counsel for both the parties and have gone through the relevant provisions of the rules i.e. Rule 125 of Indian Rly. Establishment Manual, Vol.1, which prescribes the method of recruitment of Traffic Apprentices for appointment in the categories of Section Controllers, Station Masters, Yard Masters and Traffic Inspectors in scale of Rs. 1400-2600/- and Rs. 1600-2660/-. It appears that 25% of the vacancies in the aforesaid categories of posts are to be filled by recruitment as Traffic Apprentices. As per sub-rule (i) of Rule 125(1), 15% of the aforesaid 25% of vacancies will be filled by direct recruitment



through Railway Recruitment Board and as per sub-rule (ii) ibid the remaining 10% will be filled by Limited Departmental Competitive Examination from amongst serving staff in the Traffic (transportation) Deptt. who are graduates and are upto 40 years of age. Further, sub-rule (iii) of Rule 125(1) ibid prescribes the training and stipend, according to which, period of training will be two years and stipend will be Rs. 1400/- for the first year and Rs. 1440/- for the second year. It also appears from Note below this sub-rule (iii) that the Period of training for those inducted against 15% will also be two years but they will continue to receive the pay and allowances of the post from which they were selected during the period of training.


6. It thus appears that those who were recruited as Traffic Apprentice against 15% quota as direct recruit through the RRB will be entitled to get the scale of pay and allowances of the post from which they were selected during the period of training. It is, however, not clear what will be the position for those who were recruited as Traffic Apprentice as direct recruit through RRB against 75% vacancies.


7. The ld. counsel for the applicant submits that the applicant was appointed through RRB as direct recruit against 15% vacancies. Therefore, he is entitled to get the scale of pay attached to the post i.e. Rs. 1600-2660/- from the date of joining the training and not from the date of completion of two years training period as has been done in his case. But from the text of the note quoted above it appears that it is specifically mentioned that such appointees will continue to receive the pay and allowances of the post from which they were selected. Thus, it is clear that such appointees were already holding certain posts under the railways and they will continue to receive the pay and allowance of the said post during the period of training. The ld. counsel for the applicant is not in a position to say whether the applicant was already holding any post under the railways before his selection for the post of Traffic Assistant. There is nothing in the application or in the reply of the respondents to enlighten us about this position.



8. On our query, ld. counsel for the applicant submits that the applicant has not made any representation before the appropriate authorities for redressal of his grievance before approaching this Tribunal. In such circumstances, and in the absence of material details, we are unable to give any direct relief to the applicant.

10. However, we dispose of this OA with a direction to the applicant to submit an appropriate representation to the concerned authorities within 15 days from to-day and the respondents are directed to consider such representation treating the instant OA as part thereof and to dispose of the same within two months from the date of receipt of the representation by passing a speaking order in the light of observation made by us above. There will be no order as to costs.


(M.P.SINGH)
MEMBER(A)
4.1.2001


(D. PURAKAYASTHA)
MEMBER(J)
4.1.2001