

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. NO. 1348 of 1996 with MA 277 of 2000 Date of Decision 24-8-2000
TA No.

SRIKUMAR BHADURI

Petitioner

Mr. B. Mukherjee

Advocate for the
Petitioner(s)

- Versus -

UNION OF INDIA & ORS

Respondents

Mr. P.K. Arora

Advocate for the
Respondent(s)

C O R A M

The Hon'ble Mr. D. Purakayastha, J.M.

The Hon'ble Mr. G.S. Maingi, A.M.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether it needs to be circulated to other Benches of the Tribunal ?

Hon'ble JM may kindly see

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21.8.2000.

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O R D E R

G.S.Maingi, A.M.:

This original application as also Misc. Application no. 277/2000 has been filed by Shri Srikumar Bhaduri against the Union of India represented by the General Manager, E.Rly., the Chief Personnel Officer, E.Rly., the Chief Electrical Engineer, E. Rly, the Chief Works Manager, E.Rly. Kanchrapara Workshop and the Workshop Personnel Officer, Kanchrapara Workshop, E.Rly. There are two private respondents in this OA viz. Shri P.C.Das and Shri R.A.Singh, who are working as Dy. Shop Superintendent, Howrah and Mugulsarai respectively.

2. The applicant is a Chargeman, Gr.A (Electrical) posted at Shop No. 9, E.Rly. Kanchrapara Workshop under the Works Manager of the said Workshop. At the time of filing this application before the Tribunal, the applicant was drawing pay in the scale of Rs. 1600-2660/-. He had joined as a trainee Chargeman, Group B in the year 1975 and after promotion he became Chargemen, Gr.A. In this application he has mainly prayed for decentralisation of the cadre of Electrical Supervisors (TRS Wing) upto the Shop Superintendent level in Kanchrapara Workshop. His grievance is that due to partical decentralisation, staff junior to him got promotion in higher grades i.e. to the post of Dy. Shop Superintendent in scale Rs. 2000-3200/-. The applicant has pointed out that the General Manager, E. Rly. visited the Kanchrapara Workshop on 16.12.95 and issued an inspection note which is placed at Annexure-A6 at page 50 of the OA. In para 20.4 of the said inspection note the General Manager observed that a representation containing 8 items was submitted to him in respect of Dy. Shop Superintendent and Sr. Shop Superintendent in the Electrical Branch with a request that they should be decentralised as has been done in the Mechanical Branch. The General Manager further observed that this should be done immediately since both the Unions had already agreed.

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3. The applicant has claimed the following reliefs :-

- a) To cancel and/or set aside the impugned written selection test for formation of panel for the post of EF/Dy. Shop Superintendent/Section Engineer/TRS in TRS Wingham (MAINT) in scale of Rs. 2000-3200/- vide order dt.. 20.10.96 issued by WPO/Kanchrapara as per annexure-A10.
- b) To direct the respondents to pass necessary order for decentralisation of Electrical Supervisory Cadre of Eastern Railway up to the post and/or level of Shop Superintendent as has been done in the case of Mechanical Supervisors in the Mechanical Wing of Eastern Railway.
- c) To direct the respondents alternatively to pass necessary order for complete centralisation interpolating inter se seniority of the Electrical Supervisory cadre throughout the Eastern Railway in order to enable the seniormost Electrical Chargeman Gr. A to get promotion before the juniors in respect of initial supervisory grade.
- d) To direct the respondents to give restructuring benefits to the applicants at par with his junior i.e. respondent No. 6 w.e.f. 1.3.93 with all consequential benefits including arrears of salary with 18% interest.

4. In their ^{reply} rely, the respondents have stated that the present application lacks material particulars and it is not a bona fide one as the applicant has not come with clean hands. Therefore, the application is not maintainable, and that the applicant has not availed alternative remedy and hence is not entitled to get any relief from the Tribunal. They have further stated that the applicant was absorbed as Chargeman, Gr. B after successful training on and from 24.5.76. In the year 1982, the cadre of ELC. B and ELC A were decentralised and opportunity was given to all ELC A and ELC B to opt for transfer from one division/unit to another division/unit since the cadres of ELC A & ELC B were to be controlled by the respective division/unit on and from 1.10.82. The applicant did not submit any

Reply

option for his transfer to other unit. As such, he was promoted as ELC-A in scale Rs. 550-750/- (RS) on 1.3.93 in his unit i.e. Kanchrapra Workshop as per his unit seniority and availability of vacancy. On the other hand, Shri P.C.Das, respondent No. 6 opted for Howrah Division and was promoted as ELC A on 1.1.84 as per his seniority in Howrah Division. Similar is the case in respect of respondent No. 7 i.e. R.A.Singh who opted for Mugulsarai Division and got his promotion there as per his seniority position in Mugulsarai Division. Therefore, according to the official respondents, the applicant cannot make any grievance.

5. In the meantime, the applicant has also moved an MA before this Tribunal praying for an interim order.

6. The case was listed for hearing on 16.8.2000 when the ld. counsels for the applicant as also for the respondents argued the case vehemently.

7. The main issue raised by the applicant is about decentralisation of the posts of Electrical Chargeman, Gr. A and Gr. B. Emphasis was laid on the inspection report of the General Manager, E. Rly. of the Kanchrapara Workshop where he had directed in para 20.4 that decentralisation should be taken up immediately as has been done in the Mechanical Branch.

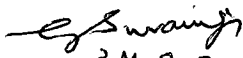
8. The last date for submission of option fixed by the respondent authorities was 19.5.2000 and it is not known whether the applicant had given his option or not. It is not clear from the application as also from the reply of the respondents whether Electrical Chargeman, Gr. A and Gr. B are the same or equivalent to Section Engineer(TRS). No explanation has been given either by the ld. counsel for the applicant or by the ld. counsel for the respondents in this regard. But on a perusal of the MA bearing No. 277/2000 filed by the applicant it is seen that written selection test for formation of a panel for the post of EF/Dy. Shop Superintendent/Section Engineer (TRS) in TRS Wing (MAINT) in scale of Rs. 2000-3200/- was notified as per letter dt. 30.10.96 and the

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applicant wants this selection process to be cancelled. This clarifies that the Section Engineers are equivalent to the position held by the applicant under the respondents.

9. The respondents have already decentralised the cadre of Section Engineer (TRS) in scale Rs. 6500-10500/-(RSRP) of Electrical Deptt. from Headquarter to Divisions/Workshop. It clearly shows that the respondents have already carried out the decentralisation by issuing office order No. E-1030/Elect/Decentralisation dt. 25.4.2000. In this view of the matter, there is no other point which requires discussion or adjudication. If the applicant has already filed his option in terms of the aforesaid letter of the Eastern Railway dt. 25.4.2000, then it is alright. Otherwise, the applicant may furnish his option within the next fifteen days from the date of receipt of a copy of this order.

10. The OA is disposed of in the light of the above observation. Likewise MA 277/2000 also stands disposed of. No cost.


24.8.2000
(G.S. MAINGI)

MEMBER(A)


24/8/2000
(D. PURAKAYASTHA)

MEMBER(J)