

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 503/96

Present : Hon'ble Mr. Sarweshwar Jha, Member (A)

Hon'ble Mr. Mukesh Kumar Gupta, Member (J)

Paramananda Mondal and others

Applicants

v.

Union of India and others

Respondents

For the applicant : Mr.B.D. Gupta

For the respondents : Mr. ~~P~~^R.K. Arora
Mr.A.Chatterjee

Heard on : 28.9.2004

Order on : 8.10.2004

O R D E R

Per Mukesh Kumar Gupta, Member (J)

1. 38 applicants, working in different capacity as Senior Signallar/Senior Teleprinter Operator/Head Signaller/Senior Inspector, Telegraph Traffic, have instituted the present applicant seeking the following reliefs:

"(i) Leave be given to the applicants to file this joint application in terms of Rule 4(5)(a) of the Administrative Tribunals (Procedure) Rules, 1987.

(ii) to direct the respondents to give promotional benefits according to the re-structuring benefit in the year 1986 with effect from 1.1.84 in the Signallers' category in the respective grades in terms of Recruitment Rules;

(iii) to direct the respondents to consider the promotional benefits according to the cadre strength of Signallers category from the respective grades when such vacancies were and/or available to the eligible persons including the applicants herein for giving such promotions in terms of the Recruitment Rules.

(iv) Not pressed

(v) to direct the respondents to declare that the curtailment of cadre strength in the Signallers' category by reducing the scope of promotion by the zonal railways is violative of Article 14 of the Constitution of India;

(vi) to direct the respondents to fill up the vacant posts now available from amongst the eligible persons including the applicants herein in terms of the Recruitment Rules of the Signallers' category and give benefit of the said restructuring benefit with retrospective effect as has been given to the similarly circumstanced employees.

(vii) to direct the respondents not to curtail and/or reduce the chances of promotions in the Signallers' category in any grade in any manner whatsoever by an authority who is not competent to reduce and/or curtail the cadre strength without the approval of the Railway Board.

(viii) to direct the respondents to deal with and/or dispose of the representations of the applicants as contained in Annexures E&F hereof in their corrective prospective.

(ix) to direct the respondents to produce the entire records of the case for adjudication of the points at issue.

(x) And to pass such further order or orders as to this Hon'ble Tribunal may seem fit and proper.

2. The facts as stated by them are that they initially joined in the post of Signaller/Teleprinter Operator in the years 1956-83 except applicants No.12 and 21 who initially joined as Porter and thereafter entered as Signaller category. They were promoted to the post of Senior Signaller/Senior Teleprinter Operator in the scale of Rs.1200-2040 and Head Signaller in the scale of Rs.1400-2300, Senior Inspector Telegraphic Traffic in the scale of Rs.1200-2040 during the period of 1982-84. Initially there were five different grades carrying different pay scales namely:

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i)	CITT	Rs.2000-3200
ii)	Sr.ITT	Rs.1600-2660
iii)	Head Signaller	Rs.1400-2300
iv)	Senior Signaller	Rs.1200-2040
v)	Signaller	Rs. 975-1540

Prior to 1.1.1984 the staff placed in the said cadre of Signaller were bifurcated as follows:

i)	CITT	Rs.2000-3200	1 post
ii)	Sr.ITT	Rs.1600-2660	nil
iii)	Head Signaller	Rs.1400-2300	33 posts
iv)	Sr.Signaller	Rs.1200-2040	109 posts
v)	Signaller	Rs. 975-1540	131 posts

After restructuring of the said cadre with effect from 1.1.1984 the posts in the different grades were refixed as follows:

1. CITT	Rs.2000-3200	2 posts (excluding percentage)
2. Sr.ITT	Rs.1600-2660	2 "
3. Hd.Sign	Rs.1400-2300	68 " (25% of the total strength (i.e.274-4=270)
4.Sr.Sign	Rs.1200-2040	108 " (40% of the total strength)
5.Signaller	Rs. 975-1540	94 " (35% of the total strength)

It is contended that the post of Senior ITT as well as CITT were not filled up after restructuring and, therefore, the non-promotion to the said post in view of the restructuring made in the year 1986, made effective from 1.1.1984, is arbitrary and without jurisdiction. Despite representations to the authorities concerned, no fruitful result yielded. Hence, the present O.A.

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3. The respondents contested the said claim and stated that actual strength as on 1.1.1984 which was vetted by the associated account was as under:

Category	Scale	No. of Posts
Hd. Sigr.	Rs. 425-640 (RS)	65
Sr. Sigr.	Rs. 330-560 (RS)	105
Sigr.	Rs. 260-400 (RS)	92
Total		262

After restructuring of the eligible staff in terms of their seniority position even those who retired were given promotion against the said restructuring scheme and none of the vacancies were left unfilled. It was further submitted that with the introduction of MICROWAVE system of telecommunication, the old system of telegraphy has become obsolete and, therefore the Signallers whose function was sending and receiving messages through old telegraph system has become extinct & the Railway Board has decided to abolish the post of Signallers to the maximum extent required. It was further stated that the Railway Administration has made honest endeavour to rehabilitate those who were declared surplus and as such options were called on 8.3.1984 (Annexure R-2).

4. Rejoinder was also filed disputing the statements made by the respondents, while reiterating their submissions made in the O.A.


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5. We heard learned counsel for the parties at length and perused the pleadings.

6. Shri P.K. Arora, learned counsel for the respondents brought to our notice Office order dated 30.7.2001 indicating that the applicants herein were declared surplus and rehabilitation in Howrah Division. It was further contended that the said circular had been challenged by some of the applicants in O.A. No.1195/01, which was dismissed by this Tribunal vide order dated 9.8.2002.

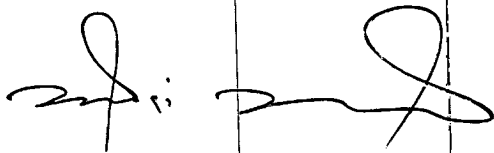
7. Learned counsel for the applicants was unable to answer satisfactorily the query raised by the Bench about the difference in the total number of vacancies in the said cadre as stated by the respondents, which according to the respondents was 262 in comparison to the claim made by the applicants i.e., 274. The difference in the total number of vacancies would make a difference in the cadre of Sr.ITT as well as CITT. It is not the case of the applicants that they were not promoted as Senior Signallers.

8. On bestowing our thoughtful consideration to the entire matter we have no doubt to disbelieve the respondents' statement that the actual strength was 262 instead of 274 as claimed by the applicants, which alone would make a difference in the total number of posts in each category as noticed hereinabove. Furthermore,



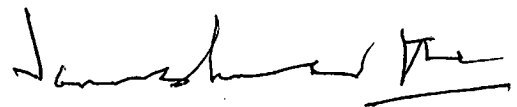
from a perusal of the documents produced before us as well as the statements made by the respondents that after restructuring with effect from 1.1.1984 none of the vacancies were left unfilled and as such there was no vacancy left against which the applicants could have been promoted. In any view of the matter since the applicants were declared surplus and absorbed vide order dated 30.7.2001 which had been the subject matter of O.A.No.1195/01 and which was also dismissed by this Tribunal as noted hereinabove, we find no justification in the applicants claim that they should be promoted consequent to the restructuring with effect from 1.1.1984. Moreover, we may note that the present O.A. was filed in the year 1996.

Having regard to the discussion made hereinabove there is no merit in the present O.A. and the same is accordingly dismissed. No costs.



MEMBER (J)

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MEMBER(A)