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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 20.9.1999

O.A. No. 346/1995

Girdhari Lal Brahman son of Shri Ram Chandra Brahman Mason,
Signal Inspector No.2, Northern Railway, Bikaner, resident of
Village Udasar, Post Office Udasar, District Bikaner (Rajasthan).

... Applicant.

v e r s u s

1. Union of India through General Manager, Northern Railway
Headquartes, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner.
3. Senior Divisional Personnel Officer, Northern Railway,
Bikaner.

... Respondents.

Mr. Mahesh Shrimalee, Adv., Brief holder for Mr. Bharat Singh,
Counsel for the applicant.

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Singh)

Applicant, Girdhari Lal Brahman, has filed this application
under Section 19 of the Administrative Tribunals Act, 1985,
praying for setting aside the impugned order dated 20.7.95
(Annexure A/1), order dated 3.4.95 (Annexure A/2) and order dated
23.2.95 (Annexure A/3). The applicant has further prayed for a
direction to the respondents to consider the case of his
appointment to the post of Master Craftsman in the scale of Rs.
1400-2300 (RPS) in Mason category instead of the merged category
with Tin and Copper Smith.

Gopal Singh



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2. Applicant's case is that he was initially appointed as Helper Khalasi on 13.11.1959 and was promoted to the post of Mason Grade-III, Mason Grade-II and Mason Grade-I with effect from 1.6.75, 1.6.86 and 28.1.91 respectively. The respondents in terms of their letter dated 20th July, 1995, merged the cadre of miscellaneous categories with that of the cadre of Tin and Copper Smith category and the post of Master Craftsman resulting thereof was given to one Shri Padam Nath, who was in the Tin and Copper Smith category. It is the contention of the applicant that he being senior was entitled to the post of Master Craftsman in the scale of Rs. 1400-2300 in his own category of Mason and, therefore, merger of the two categories has put him at a disadvantage. The applicant submitted various representations in this regard to the respondents for promotion to the post of Master Craftsman but all the representations were rejected by the respondents vide their letters at Annexures A/1, A/2 and A/3. Feeling aggrieved, the applicant has approached this Tribunal.



3. Notices were issued to the respondents and they have filed their reply. It has been stated on behalf of the respondents that the two categories were merged in consultation with the Unions and as per the merged seniority, the applicant is not entitled to promotion to the post of Master Craftsman.

4. We have heard the learned counsel for the parties and perused the record of the case.

5. Though the respondents have rejected the claim of the applicant for appointment to the post of Master Craftsman in the scale of Rs. 1400-2300, they have, however, categorically stated in their reply to the O.A. that the applicant was allowed the pay scale of Rs. 1400-2300 (RPS) with effect from 3.2.93 in the grade of Master Craftsman. In the light of this averment, learned counsel for the respondents was directed to produce the letter allowing the scale of Rs. 1400-2300 to the applicant with effect from 3.2.93, but the said letter could not be produced before the Tribunal. The learned counsel for the respondents has, however, maintained that this is the factual position.

6. It is seen from the records that the applicant entered service with the respondents-department on 13.11.59 as Helper

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Kahlasi while Shri Padam Nath, entered the service as Helper Khalasi on 1.4.61. The applicant was further promoted to the mason Grade-III scale Rs. 260-400 with effect from 1.6.75 whereas Shri Padam Nath was promoted as Tin and Copper Smith with effect from December, 1978, in the scale of Rs. 260-400. The fact that the applicant was the seniormost in his own category of Mason has not been disputed by the respondents. Moreover, at the time of merger, the category of Mason had 16 employees whereas the category of Tin and Copper Smith had only 6 employees. Thus, the merged cadre was of 22 employees. 5 per cent of the posts of merged cadre were to be designated as Master Craftsman and as such, only one post of Master Craftsman came to exist for the merged category. It has already been pointed out that the category of Tin and Copper Smith had only six employees and the benefit of appointment to the post of Master Craftsman could only be given to a person belonging to the category of Tin and Copper Smith only because of merger of the category of Tin and Copper Smith with the miscellaneous categories. Had this merger not taken place, the post of Master Craftsman would have gone in normal course to the category of Mason where the applicant was the seniormost employee. Thus, it becomes clear that the merger of the two categories was agreed upon solely to give benefit of promotion to the post of Master Craftsman to the Tin and Copper Smith category candidate. We also fail to understand as to why such an important policy decision of merging two categories was taken at Division level in consultation with the local Unions, as this decision would have implications all over the Railways.



7. As has already been stated, it has been admitted by the respondents that the applicant has been allowed the pay scale of Rs. 1400-2300 with effect from 3.2.1993, nothing more remains to be decided.

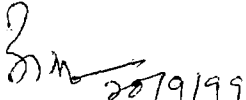
8. The O.A. is, therefore, allowed with a direction to the respondents that the applicant be paid salary in the scale of Rs. 1400-2300 with effect from 3.2.93 within a period of three months from the date of receipt of a copy of this order.

9. Parties are left to bear their own costs.



(GOPAL SINGH)

Adm. Member


20/9/99

(A.K. MISRA)

Judl. Member

cvr.