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Central Administrative Tribunal
Jodhpur Bench, Jodhpur.

O.A. No. : 149/1995

Date of Order : 12.8.96

Uttam Giri

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Applicant.

Versus

Union of India & Ors.

..

Respondents.

Mr. S.K. Malik, Counsel for the applicant.

Mr. R.K. Soni, Counsel for respondents No. 1 & 2.

None present for respondents No. 3 & 4.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. S.P. Biswas, Administrative Member.

PER HON'BLE MR. S.P. BISWAS :

The short question for determination in this O.A. is whether the applicant presently working as Ticket Dust Machine Operator (TDMO, for short) is eligible for promotion to the post of HSK-II (High Skilled Khalasi, Grade -II) in Scale Rs. 1200-1800. The applicant contends that he is senior to respondents No. 3 and 4 in almost all respects i.e appointment as Khalasi, Promotion to grade of Helper Khalasi Grade Rs. 800-1350 and Khalasi Machine Operator Grade Rs. 950-1500. In reply, the respondents would say that the applicant and the two respondents are in two different categories. The respondents No. 3 and 4 are in Ticket Fabricated Unit (TFO, for short) and senior to applicant in that particular Unit. So the case of applicant is distinct qua the respondents.

2. We have heard learned counsel for the parties and have perused the records carefully.

3. It is seen that the applicant stands senior to both respondents No. 3 and 4 in respect of his appointment in positions of Khalasi, Helper Khalasi and Khalasi Machine Operator. This is evident from the seniority list as at annexure A/4 dated

22.5.1992, wherein the applicant is at serial No. 15 whereas the respondents No. 3 and 4 are at serial Nos. 39 and 40 respectively.

Obviously, the seniority list of all these categories are combined. The respondents have not been able to show the feeder category or categories earmarked for promotion to the Grade of HSK-II. On the contrary, it is seen from the Rules for Recruitment, Training and Promotion of Staff in the Railway Printing Presses vide Section 110 that :

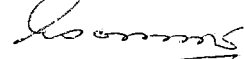
Staff working in the various sub-sections of the Ticket Printing including Blank Card Manufacturing shall have combined seniority and the same channel of promotion upto the top supervisor of the section.

Respondents could not show that the present position of rule, as mentioned above, has been amended nor were they able to produce separate seniority lists for TDMOs and TFOs.

4. As per provisions laid down in the above rules, a combined seniority list is supposed to be maintained for the purpose of promotion upto the top supervisor of the Printing Section.

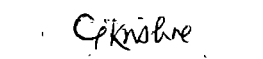
5. The criteria for promotion from HSK-III to HSK-II is seniority-cum-suitability subject to trade test. Hence, in view of the positions explained hereinabove, the action of the respondents for not calling and considering the name of applicant for trade test and promotion to the post of HSK-II is discriminatory. In view of the circumstances mentioned above, the applicant's case for consideration of promotion to the grade of HSK Grade-II is based on rules. The OA is accordingly allowed. The impugned orders at annexure A/1 dated 21.3.95 and A/2 dated 3.4.95 are set aside. Since the applicant has retired on 30.6.1996, respondents are directed to consider promotion of the applicant to the post of HSK Grade. II from the date his juniors, namely, Shri Mool Singh and Shri Narayan Lal, respondents Nos. 3 and 4 respectively, were promoted and grant all consequential benefits.

6. The OA is disposed of as aforesaid. There shall be no order as to costs.


(S.P. Biswas)

Member (A)

cvr.


(Gopal Krishna)
Vice Chairman.