

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR.

O.A.No.307/96

Date of Order:09.11.1998

Laxman Lal Garg, Retired as Vice Principal, Railway Senior Secondary School, Abu Road, Main Market, Abu Road (Rajasthan).

... Applicant

VERSUS

1. The Secretary, Railway Board, Rail Bhawan, Raisina Road, New Delhi-110001.
2. Union of India through the General Manager, Western Railway, Headquarters Office, Churchgate, Bombay-400020.

... Respondents

Applicant present in person.

Mr. S.S.Vyas, 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, Laxman Lal Garg, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the Railway Boards' letter dated 27.12.1988 (Annx. A/1) as also respondents' letter dated 17.4.1995 (Annx. A/2) and for issuing a direction to the respondents for extending the benefit of Class-II status to the applicant and fixation of his pay under FR 22-

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considering the post of Vice Principal as promotional post carrying higher responsibilities.

2. Applicant's case is that while he was functioning as Senior Teacher in the grade of 2000-3500, his post was re-designated as that of Vice Principal in the scale of 2000-3500 in terms of Railway Boards' letter dated 11.1.1988 issued in pursuance of the recommendations of the National Commission for the Teacher. The Railway Boards' letter dated 11.1.1988 classified the post of Vice Principal as a Class-II post. However, the Railway Board vide its subsequence letter dated 28.7.1988 deleted the provision regarding class-II status of the post of Vice Principal. The applicant's contention is that the modification introduced by the Railway Boards' letter dated 28.7.1988 is arbitrary and, therefore, the same should be quashed and the applicant be accorded the status of class-II on his re-designation as Vice Principal and his pay should be fixed on the post of Vice Principal under FR 22-C.

3. Notices were issued to the respondents and they have contested the application.

4. We have heard the applicant as also the learned counsel for the respondents and perused the records of the case.

5. Recommendations of the National Commission for the Teacher were adopted by the Railway Board vide their letter dated 11.1.1988. Provisions in the letter dated 11.1.1988 relevant to the case in hand are extracted below:

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"5. There will be no change in the classification and status of Trained Graduate teachers appointed to the selection grade of Rs.2000-3500 and Post-Graduate teachers appointed to the selection grade of Rs.2200-4000. Accordingly, their status will continue to remain a Group 'C' (Class III) and Group 'B' (Class-II) respectively.

6. Post-Graduate teachers in scale Rs.1640-2900 when appointed to the senior grade of Rs.2000-3500 will become eligible for Group 'B' (Class II) status. Accordingly, appointments to the scale of Rs.2000-3500 in the case of Post-Graduate teachers will be by selection by a Group 'B' (Class II) Departmental Promotion Committee.

7. Vice-Principals in scale Rs.2000-3500 Group 'B' (Class II) can be appointed to the senior grade of Rs.2200-4000 (Junior Scale Group 'A' (Class I) on the Railways), on completion of 12 years service only after they have been duly screened by the Union Public Service Commission for initial appointment to Group 'A' (Class I - Junior Scale). Accordingly, all such proposals will be referred to the Railway Board for screening through the U.P.S.C."

6. These provisions were subsequently modified vide and 18.3.1991 Railway Boards' letters dated 28.7.1988, as under:

"(i) Para 6 of the letter may be substituted to read as under, deleting the second sentence of this para:-

"Post-graduate teachers in scale Rs.1640-2900, when appointed to the senior grade of Rs.2000-3500 will NOT become eligible for Group 'B' (Class II status).

(ii) The expression 'Vice-Principal' occurring in para 4(i) and (vi) and against item 1 of Annexure to Board's letter referred to may be deleted.

(iii) Para 7 may be deleted."

/_ deleted: "and Group 'B' (Class-II) respectively." "The following words appearing in the last sentence of para 5 of this Ministry's letter of even number dated 11.1.1988 may be deleted. In the modification introduced vide Railway Boards' letter dated 28.7.1988, it is very clearly mentioned that

Post-Graduate teachers when appointed to senior grade of 2000-3500 will not become eligible for Group B (Class II status).

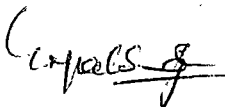
The applicant as Senior Teacher was drawing his salary in the

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scale of 2000-3500 and on re-designation of his post as Vice Principal he continued to draw his salary in the scale of 2000-3500 with special allowance of Rs.150/- per month. Both the post of Senior Teacher and the Vice Principal were in the same scale, i.e. 2000-3500 and, therefore, re-designation of the applicant as Vice Principal cannot be said to be a promotion to a post carrying higher duties and responsibilities and as such the contention of the applicant in this regard is not tenable. The Railway Board vide its letter dated 28.7.1988 had already clarified that on promotion to the grade of 2000-3500, the incumbent will not be entitled to be classified as a Group B. Moreover, the applicant is seeking quashing of the Railway Boards' letter dated 28.7.1988 at this stage, he filed this O.A. on 28.5.1996. Thus the application is barred by limitation also.

8. In view of the above discussion we do not find any merit in the application and the same deserves to be dismissed.

9. The O.A. is accordingly dismissed with no order as to costs.


(Gopal Singh)
Administrative Member


(A.K. Misra)
Judicial Member

Aviator/