

(a)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of order : 23.06.99

O.A. No. 2/1998

Jagdish Narain son of Shri Ramlal by caste Lohar aged about 55 years resident of at present working as Tin and Copper Smith in Artihn Grade-I in the office of Sanket Inspector, Northern Railway at Bikaner.

... Applicant.

v e r s u s

1. The Union of India through its General Manager, Northern Railway, Headquarter Building, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, D.R.M. Office, Bikaner.
3. Divisional Personnel Officer, Northern Railway, D.R.M. Office, Bikaner.
4. Divisional Signal & Tele Communication Engineer, Northern Railway, Bikaner.
5. Jaspal Singh son of Shri Vishan Singh at present working as Clock Mistry Grade-I in the office of Divisional Signal & Tele Communication Engineer, Northern Railway, Bikaner.

... Respondents.

Mr. S.N. Trivedi, Counsel for the applicant.

Mr. V.D. Vyas, Counsel for the official respondents Nos. 1 to 4.

Mr. Vijay Mehta, Counsel for the respondent No. 5.

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)

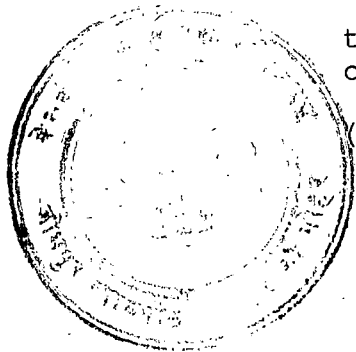
Applicant, Jagdish Narain, has filed this application under Section 19 of the Administrative Tribunals Act, 1985,

Gopal Singh

praying as under :-

- "(A) That the impugned order dated 18.12.1997 (Annex.A/1) may be quashed and set aside.
 - (B) That the impugned seniority list dated 4.8.1995 (Annex. A/2) may be quashed and set aside qua the applicant accordingly the seniority list may be revised by way of correct assignment of seniority and the applicant may be placed senior than to the respondent No. 5 and he may be called for suitability test and or found suitable the applicant may be promoted to the post of Master Craftsman in the pay scale of Rs. 1400-2300 with all consequential benefits.
 - (C) That any other order or direction which this Hon'ble Tribunal deem fit and proper in the facts and circumstances of the case may kindly be passed in favour of the applicant and against the respondents.
 - (D) That cost of the original application may also be awarded in favour of the applicant from the respondents.
- 9) Interim orders, if any prayed for:-

Pending final decision on the Original Application, the humble applicant seeks to issue the following interim orders:-



- (A) That result and further promotion to the post of Master Craftsman in the pay scale of Rs. 1400-2300 of the respondent No. 5 may be restated or in alternative one post of Master Craftsman in the pay of Rs. 1400-2300 may be kept vacant to protect the right of the applicant and in the interest of justice."

2. The Tribunal vide its order dated 5.1.98 had passed interim order directing the respondents that if in pursuance of order Annexure A/1 dated 18.12.1997 any selection on the post of Master Craftsman is made, the result thereof shall be kept in a sealed cover till the next date. Thereafter, the interim order has been extended from time to time. In this application, the applicant is seeking seniority over the respondent No. 5, Shri Jaspal Singh.

3. We have heard the learned counsel for the parties and have perused the records of the case.

4. Brief facts of the case are that the applicant was initially appointed in the Railways on the post of Safaiwala on 7.1.1966 and thereafter, he came on transfer in Signal &

Cupals J.

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Telecommunication Department on the post of Khallasi on 30.6.1967. He got promotion as Tin and Copper Smith Grade-3 (scale Rs. 950-1500) in January, 1979 and as Tin and Copper Smith Grade-1 (scale Rs. 1320-2040) on 25.1.1993. The respondent No.5, Shri Jaspal Singh, was initially appointed in the Railways on 5.4.1974 as Clock Khallasi [Scale Rs. 196-232/750-950 (RPS)], was promoted as Clock Fitter [scale Rs. 260-400/950-1500 (RPS)] on 16.8.1976 and was further promoted as Clock Mistri Grade-1 (scale Rs. 1320-2040) with effect from 28.8.1991. It is seen from the above that the respondent No. 5 was promoted to the scale of Rs. 1320-2040 much earlier than the applicant. In the meeting held on 15.2.1995 with both the recognised staff Unions, following decision was taken:

" Item No. 1 : Clubbing of Misc. categories of S&T Department.

It has been decided that the category of Tin & Copper Smith of all grades in S&T department will be merged with the miscellaneous categories such as Carpenter, Painter, Lineman, Mason, Rager & Clock Mistry for the purpose of advancement in all grades upto Master Craftsman grade Rs. 1400-2300 (RPS). It has also been decided that past cases dealt with otherwise need not be re-opened."



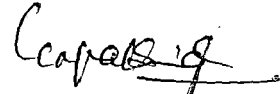
5. In terms of the above decision, the cadre of Tin & Copper Smith of all grades were merged with Miscellaneous categories in the S&T Department of the Railways. Prior to this date, i.e. 15.2.1995, separate seniority lists were maintained for Tin & Copper Smith as also of other miscellaneous categories. Consequent upon merger of these trades, the applicant has become junior to the respondent No.5. As has been discussed above, the applicant was promoted to the scale of Rs. 1320-2040 in the year 1993 whereas the respondent No. 5, Shri Jaspal Singh, was promoted to that scale in the year 1991. Therefore, on merger of various trades into one category, the respondent No. 5 would rank higher in the seniority list than the applicant. The contention of the applicant that he had joined the Railways much earlier than the respondent No. 5 does not carry much weight as both the applicant as also the respondent No. 5 were earning promotions within their respective streams and the respondent No. 5 got promotion to the pay scale of Rs. 1320-2040 in his own stream before the applicant could be promoted to that scale. On the date of merger of the cadres, the respondent No. 5 was in the higher pay scale than the applicant.

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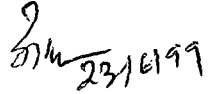
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6. We, therefore, do not find any merit in this application and the same deserves to be dismissed. The O.A. is accordingly dismissed with no order as to costs.

7. The interim direction issued vide order dated 5.1.1998 stands vacated.



(Gopal Singh)
Adm. Member



(A.K. Misra)
Judicial Member

cvr.