

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No OA 822 of 1997

Date of Order: 20.12.2004

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member  
Hon'ble Mr. M.K. Misra, Administrative Member

SHRI KARTICK CH. DAS

VS.

UNION OF INDIA & OTHERS (EASTERN RAILWAY)

For the applicant : None

For the respondents : Mr. P.K. Arora, Counsel

O R D E R (ORAL)

Mr. Mukesh Kumar Gupta, JM:

None appears for the applicant despite the fact that the notice dated 21.9.2004 was issued requiring him to engage a counsel of his choice as his earlier counsel had since expired during the pendency of present OA or to appear in person. Despite service of said notice, none appeared either on 6.10.2004 or today. This being an old matter of the year 1997, we decided to proceed under Rule 15 (1) of CAT (Procedure) Rules 1987.

2. In this application validity of notice dated 21.6.97 has been challenged and further direction is sought to respondents not to hold suitability test for promotion to the post of Master Craftsman in the pay scale of Rs.1400 - 2300 from the feeder post of Carpenter, Grade I in the pay scale of Rs. 1320 - 2040 pursuant to impugned notice dated 21.6.97, with consequential benefits.

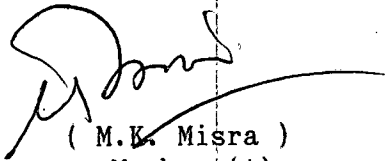
3. The facts of the case as stated are that the applicant who initially joined Railways as Skilled Pattern Maker Gr.III on or around 1.12.66 was promoted to Grade II in 1984, Grade I in October 1986 in Carpentry Section. Grade II & Grade I are categorised as Highly

Skilled Post. The grievance of the applicant is that some juniors of him were promoted to the post of Master Craftsman (hereinafter referred as MCM), on exercise of their option. The applicant was also willing to exercise such option for promotion, was not considered illegally, arbitrarily and unjustly. Despite the representation submitted and legal notice issued, no positive action has been taken by the respondents. In the year 1991, a seniority list was published wherein the applicant's name figured over and above those persons who were called for suitability test for the said post of Master Craftsman. It is contended that the said benefit has not been extended to the applicant, which is violative of the principle of natural justice, Article 14, 16 & 300 A of the Constitution of India.

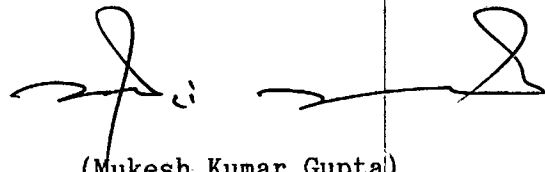
4. The respondents in their reply contended that prior to the year of 1983, post of Pattern Maker as well as Carpentry Section were under same seniority group. In terms of CPO/ CCC letter No. E.174/ EL/ Eng. MSW/ Upgradation/ Artisan (loose) dated 18.11.85, posts of Carpentry & Pattern Maker were put under separate seniority pool based on the nature of work with effect from 1.4.83. The applicant was promoted to the post of Pattern Maker Grade II with effect from 26.3.84 and subsequently, with effect from 1.1.84. The applicant was working in the Pattern Making Section which had only 2 sanctioned strength and there cannot be any allotment of MCM in terms of Railway Board's directive. The applicant belonging to other trade, his option could not be considered for MCM in Carpentry Section. Since the applicant belonged to a trade where no post of MCM was allotted and the strength being below optimum, his application for MCM could not be considered. Pursuant to interim order passed by this Tribunal on 16.7.97, the date of suitability test was deferred and the applicant was allowed to appear in the suitability test and the result was withheld in terms of the interim order passed.

5. We perused the OA and heard learned counsel for the respondents. No rejoinder has been filed by the applicant. It is a specific case of the respondents that the Carpentry as well as Pattern Maker were treated as a different seniority pool with effect from 1.4.83 and there was no sanctioned post of MCM in the Carpentry Section. On perusal of the existing/ reclassified strength, we find that there was no MCM post available to the Pattern Making Section. Such being the facts, the applicant, in our considered opinion, has rightly been denied promotion/ consideration for the said post of MCM in Carpentry Section, the same being the distinct and separate section.

6. In view of the above, the present OA has no merit and the same is accordingly dismissed. No costs.



( M.K. Misra )  
Member (A)



(Mukesh Kumar Gupta)  
Member (J)

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