

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 551 of 199 2.

DATE OF DECISION 23.11.92

R. Thannu Asari _____ Applicant (s)

Mr. P. K. Madhusoodhanan _____ Advocate for the Applicant (s)

Versus

The Senior Divisional
Personnel Officer, Southern Railway Respondent (s)
Palghat and others

Mr. M. C. Cherian (for R.1to4) Advocate for the Respondent (s)
Mr. Ashok M Cherian for R.5.

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V. Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Shri S.P. Mukerji, Vice Chairman)

In this application dated 8.3.92 filed under Section 19 of the Administrative Tribunals Act the applicant has claimed promotion to the single post (M.C.) of Master Craftsman which was created by the order dated 18.12.91 at Annexure A.4. Shorn of details the main question in this application is whether Respondent No.5 who has been given the aforesaid post of Master Craftsman is entitled to that post in preference to the applicant. In the Power Wing of the Electrical Division of Southern Railway it appears

that the main line of promotion of Khalasis and Khalasi helpers is to the posts of Electrical Fitters Grade III, Grade II, Grade I and Chargeman. Apart from these posts there are miscellaneous Skilled and Semiskilled posts in different trades like Carpenters, Mechanical Fitters etc. with ^{category} Artisans who are also eligible for promotion as Electrical Fitters provided they pass the trade test. In order to provide a further avenue of promotion to these miscellaneous categories of isolated posts in different trades, a post of Master Craftsman in the unrevised scale of Rs. 425-640 (Revised Rs. 1400-2300) was created by the order dated 18.12.91 at Annexure A.4. It was indicated in that order that the single post of Master Craftsman "will be filled-up by the seniormost incumbent belonging to any trade and will be operated in that grade so long as that incumbent remains in service and in that grade one post of H.S. Grade I will not be operated." The various categories of isolated posts which were covered by this order were Cable Jointer, Mechanical Fitter, Carpenter, Tin Smith, Turner, Brick Layer, B.S.L. Mechanic, Mechanical Operator, Truck Driver, Fitter etc. It may be noted that Electrical Fitters are not included in the aforesaid categories because they have their own line of promotion. It is not denied that the applicant while working as Khalasi Helper also took the chance of promotion as Electrical Fitter and appeared in the trade test for the same in 1971 but failed. He was subsequently promoted in his trade as Carpenter

Skilled H.S.II on 5.11.81 and Carpenter Skilled H.S.I with effect from 1.1.84 vide order dated 5.5.86.

2. Respondent No.5 on the other hand ^{who} was working admittedly as Mechanical Fitter appeared in the trade test for Electrical Fitter in 1986 but he did not, according to him, chose to join as an Electrical Fitter. On the other hand he was promoted as Mechanical Fitter Grade II on 1.8.78 and Mechanical Fitter Grade I also on 1.8.78. Thus it is clear that as Mechanical Fitter Grade I while the Respondent No.5 was promoted in 1978, the applicant was promoted in the corresponding grade in the Carpenter's trade in 1984. Thus between the applicant and Respondent No.5, Respondent No.5 is admittedly much senior.

3. The only point which falls for consideration is whether the contention of the applicant that having passed the trade test for Electrical Fitter, the Respondent No.5 can be held to be eligible for the post of Master Craftsman. In support of his contention the applicant has produced Annexure A.7 which is a provisional Seniority List of Electrical Fitters as on 31.12.84 in which Respondent No.5 has been shown as Electrical Fitter, Palghat. The learned counsel for the applicant has also drawn our attention to Annexure R.5(b) dated 6.2.91 in which

promotion has been given to Respondent No.5 as a member of Electrical (Power) side staff. We do not find much force in the contentions of the applicant. Taking the applicant's own pleas and without referring to what Respondent No.5 has to say, we find that according to the applicant's own rejoinder, Annexure.A.7 in which Respondent No.5 had been shown as Electrical Chargeman 'B' had been cancelled, thus Annexure.A.5 cannot be of much assistance to the applicant. Likewise Annexure.R.5(b) referred to by the applicant clearly shows at item No.14 that Respondent No.5 has been promoted from the cadre of Mechanical Fitter to Grade I cadre of Mechanical Fitter. The Department has specifically stated that the 5th respondent was promoted as Mechanical Fitter Grade III in 1971, Mechanical Fitter Grade II in 1978 and also Mechanical Fitter Grade I in 1978.

4. We are not inclined to accept the contention, ^{of the applicant} that merely because Respondent No.5 had appeared in the trade test for Electrical Fitter and passed it, he should be considered to have joined the cadre of Electrical Fitter and severed all links with his parent ^{trade} cadre of Mechanical Fitter. The learned counsel for Respondents 1 to 4 Shri M.C.Cherian produced before us the latest order of 1992 in which Respondent No.5 has been shown again as Mechanical Fitter.

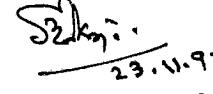
5. In the above circumstances we find that Respondent No.5 is not only senior to the applicant ^{des} but belonging as he ^{is} to the cadre of Mechanical Fitter is eligible for promotion as Master Craftsman.

6. The last and to our mind not the strongest contention of the applicant is that Respondent No.5 is

not the seniormost in the single category of Artisan H.S.I. It is not the applicant's case that the applicant is the seniormost. He has on the other hand contended that one Shri K.P. George is the seniormost. We feel that if the ^{applicant} is not senior to Respondent No.5 in the single category, he has no locus standi to challenge the appointment of Respondent No.5. If anybody is to be aggrieved by the promotion of Respondent No.5, it will be ^{Shri} ^{George} if what the applicant has stated is correct.

above
7. In the circumstances we do not see any force in the application and dismiss the same without any order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

23.11.92

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