

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 554/93

Monday, this the 7th day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI S.KASIPANDIAN, MEMBER(A)

1. S. Ramu, Electrical Fitter/
Train Lighting/HS I,
O/o Electrical Foreman,
Trivandrum.
2. P.S. Gopi, Electrical Fitter/
Train Lighting/HS I,
O/o Electrical Foreman,
Cochin Harbour Terminus, Kochi. .. Applicants

By Advocate Shri P.K.Madhusoodhanan.

V/s

1. Union of India, rep. by
Secretary, Min. of Railways,
Rail Bhavan, New Delhi-1.
2. The Divnl. Personnel Officer,
SR, Trivandrum-14.
3. The Sr. Divnl. Elect. Engineer,
SR, Trivandrum. .. Respondents

By Advocate Shri Thomas Mathew Nellimootttil, ACGSC.

ORDER

N. DHARMADAN

Applicants are aggrieved by the refusal of the respondents to grant them upgradation and fixation of pay in HS-I w.e.f. 1.1.84 on the basis of the directions of this Tribunal in OA 200/90 and OA 1362/92, Annexures-A2 and A3 judgments.

2. Admittedly, as per reclassification circular No.50/85 produced as Annexure-A1, percentage distribution of HS Grade-I, Grade-II and Skilled has been revised to 30: 35 : 35. Since that ratio in the reclassification of

artisans was not properly maintained, similarly situated employees like the applicants filed OA 200/90. That case was disposed of as per Annexure-A2 judgment. In the judgment it has been made clear that under the reclassification scheme the number of posts as on 1.7.85 were 47. Considering that number, the Tribunal directed that 47 employees will have to be physically accommodated in HS-I grade as on 1.7.85 taking into account the seniority and eligibility of the employees in HS-II grade as on 1.7.85 if in that process the applicants also fall within the zone of promotion for appointment to HS-I under the second reclassification scheme, the same cannot be denied to them. The applicants in that case were given the benefit of inclusion in the list. Eight other persons later filed OA 1362/92 which was also heard and allowed as per Annexure-A3 judgment dated 23.10.92 following the earlier judgment. Relying on the aforesaid two judgments, the applicants herein filed Annexure-A4 representation on 18.1.93 before the DPO, Southern Railway, second respondent. That representation has not been disposed of so far.

3. Respondents produced Annexure-R1 list of 47 employees in HS Grade-I Fitters (Electrical). Applicants have pointed out serial Nos. 2 to 5, 7 and 47 and stated that they are persons not coming within the principle stated in Annexures-A2 and A3 judgments so as to enable them to be included in Annexure-R1. In fact, according to the applicants, the list has been prepared in violation of the judgments and Annexure-R1 cannot be treated as authentic true copy of the correct list of 47 employees who were included in the list prepared as per the directions in Annexures-A2 and A3 judgments. They have produced Annexures-A5, A6 and A7 letters of the Railways in support

of their case that the 47 employees in the list produced by respondents are not eligible to be included in the list. They have stated in detail the reasons thereof in the rejoinder.

4. The statements in the rejoinder filed by the applicants have not been denied by the respondents. According to the learned counsel for respondents, after proper verification of the statements in the rejoinder, orders will be passed. In the light of this submission, we are of the view that the original application can be disposed of with directions. Accordingly, we direct the second respondent to consider and pass orders on Annexure-A4 after due verification of the statements of the applicants in the rejoinder about the 47 persons as indicated above and latest orders, Annexures-A5 to A7. This shall be done within a period of four months from the date of receipt of a copy of this judgment.

5. The application is accordingly disposed of. There will be no order as to costs.



(S.KASIPANDIAN)
MEMBER(A)


7-2-94

(N.DHARMADAN)
MEMBER(J)