

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 61/2001

Thursday, this the 19th day of September, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

R. Ramaswamy,
S/o Ramu, Dresser,
Railway Hospital, Pettah,
Trivandrum, residing at
Railway Quarters,
No.18-G, Pettah,
Trivandrum.

... Applicant

(By Advocate Mr. T.C. Govindaswamy)

Vs

1. Union of India, rep. by the
Secretary to the Government of India,
Ministry of Railways,
New Delhi.
2. The General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Madras-3.
3. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division,
Trivandrum.

... Respondents

(By Mrs. Sumathi Dandapani)

The application having been heard on 19.9.2002, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicant is working as Dresser Grade II in the
Railway Hospital, Pettah, Trivandrum. His grievance is that
while there are 11 posts in the cadre of Dresser and as per the
Railway Board's Endorsement No.100/98 A1 dated 10.5.1998, 5% of
the posts has to be operated up in the higher scale of
Rs.4500-7000/-, not filling up of the posts in higher scale and
not considering the applicant who is the seniormost for promotion


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to that grade is unreasonable and discriminatory. Therefore, the applicant has filed this application for a direction to the respondents to consider the applicant for promotion to the scale of pay of Rs.4500-7000 w.e.f. 1.1.1996 and to grant him consequential benefits including arrears thereof.

2. The respondents in the reply statement contend that the claim of the applicant for promotion to the scale of Rs.4500-7000/- w.e.f. 1.1.1996 is unfounded as the restructuring of the cadre came into effect only w.e.f. 10.5.1998. The respondents further contend that as on 10.5.1998, the sanctioned strength in the cadre of Dresser was only 9 as per R1, that one post was transferred from Podanur Division to Trivandrum Division on 31.8.1999 and that in terms of Railway Board's letter No.PC/IV/91/CRC/I dated 27.1.1993, the annual review was suspended until further instructions from the Railway Board and therefore the applicant's claim for consideration to the scale of Rs.4500-7000/- is not tenable.

3. We have heard the counsel on either side and perused the pleadings and materials placed on record.

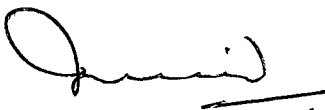
4. We find that the claim of the applicant for promotion to the grade Rs.4500-7000/- w.e.f. 1.1.1996 is unfounded as restructuring has come into effect w.e.f. 10.5.1998. Further, the contention of the applicant that there are 11 posts of Dresser in the Trivandrum Division is found to be not correct as per R1. Even after the transfer of one post of Dresser from Podanur to Trivandrum Division w.e.f. 31.8.1999, the total



number of posts in the cadre of Dresser is only 10. Hence the claim of the applicant has no factual support. We find no reason for judicial intervention.

5. In the light of what is stated above, the application is dismissed. No costs.

Dated the 19th September, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of the RBE No.100/98 dated 10.5.98.
2. A-2: True copy of the representation dated 25.10.98 submitted by the applicant to the 3rd respondent.
3. A-3: True copy of the representation dated 5.8.99 submitted by the applicant to the 2nd respondent.

Respondents' Annexures:

1. R-1: True copy of the statement showing the sanctioned strength in the cadre of Dresser as on 10.5.98, vetted by the Associate Finance.

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25.9.02