

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Dated, the 6th October, 1993

CORAM

THE HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
&
THE HON'BLE MR KASIPANDIAN, ADMINISTRATIVE MEMBER

O.A.No.129/92

1. P Gangadharan
2. MP Chandrasekharan
3. KG Hariharan
4. MV Lakshmanan
5. K Balakrishna

- Applicants

Mr P Sivan Pillai

- Advocate for the
applicants

V.

1. Union of India through
General Manager,
Southern Railway, Madras-3.
2. The Senior Divisional
Personnel Officer,
Southern Railway, Palghat.
3. The Senior Divisional Engineer,
Southern Railway, Palghat.

- Respondents

M/s MC Cherian & TA Rajan

- Advocates for the
respondents

JUDGEMENT

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants seek the benefit of Annexure-A1 to A4 orders. Otherwise put, they seek promotions applying the ratio laid down in Annexure-A1 to A4 on the total cadre strength.

2. The basic question is, whether the total cadre strength is 138 or less than that. The posts in question

are in the category of Artisans in the bridge division. The posts are divided into Skilled, Semi-skilled and Unskilled. The Skilled category is further divided into, Grade-I, Grade-II, and Grade-III in that order. By Annexure-A1, some of the Semi-skilled posts were upgraded as Skilled posts. A further change was made by Annexure-A2 and then by Annexure-A3. Annexure-A4 converted some of the skilled posts into Master Tradesman post. The cadre strength was revised in accordance with the paragraph 501 of the Railway Establishment Manual and Annexure-A10 was issued. Now the controversy is, whether some of the posts which should have been in the bridge cadre were diverted to other cadres, thus diminishing the promotional prospects available to those in that category by application of the ratio. Though learned counsel for applicant was able to put his case persuasively, with reference to some of the cadres, a factual adjudication will be necessary to ascertain the correct position. This must be done at a senior departmental level.

3. Respondents, General Manager or if he so desires, the Chief Personnel Officer should undertake this task. Applicants may file a detailed representation indicating the number of posts in each category and working out the ratio thereon, in accordance with Annexure-A1 to A4. This will be examined and a final decision will be taken

on the total cadre strength, upon which the ratio is to be applied. If a representation is filed within three weeks from today, a final decision will be taken thereon within three months of the date of receipt of representation. On the basis of the final decision, the ratio will be worked out and directions will be issued, with consequential benefits.

4. The O.A. is allowed as above. Parties will suffer their costs.

Dated, the 6th October, 1993.



S KASIPANDIAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

trs/7/10

List of Annexures

1. Annexure-A1 : True copy of letter No.E(P&A)1-82/
JC/1 dated 13.11.1982
2. Annexure-A2 : True copy of Railway Board's letter
No.E(P&A) I-82-JC/1 dated 4.4.1984
3. Annexure-A3 : True copy of Railway Board's letter
No.E(P&A)1-82/JC/1 dated 10.7.1985
4. Annexure-A4 : True copy of letter No.PCIII/82/
PS.3/10 dated 14.2.1986
5. Annexure-A10 : True copy of order No.P(L)407/
Decasualisation dated 13.11.1982