

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 351/2003

Dated Tuesday this the 11th day of November, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

L. Parameswaran
Staff No.J/E 681
Diesel Mechanic Highly Skilled Grade I
Working at Power side, Palghat.
Residing at Railway Quarters
No.608-C, Old Railway Colony
Olavakode, Palaghat.

Applicant.

(By advocate Mr.S.M.Prem)

Versus

1. Chief Personnel Officer
Southern Railway Headquarters
Park Town
Chennai.
2. Senior Divisional Personnel Officer
Divisional Office, Personnel Branch,
Southern Railway, Palghat.
3. Senior Divisional Electrical Engineer
Divisional office, Southern Railway
Palghat.

Respondents.

(By advocate Mrs. Sumathi Dandapani)

The application having been heard on 11th November, 2003,
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who claims to have entered service of the Southern Railway as Diesel Engine Fitter (Diesel Mechanic Grade III) on 13.11.1979 while continuing in that post was by order dated 13.2.89 promoted as Diesel Mechanic Grade II. He was further promoted as Diesel Mechanic Grade I with effect from 26.4.91 after passing the necessary trade test by order dated 21.5.91 (Annexure A2) in the scale of Rs.1320-2040 (Rs.4650-7000 revised). He was drawing a basic pay of Rs.5500 in the above

revised pay scale. While so, he was served with the impugned order Annexure A-3 dated 7.4.2003 by which he has been promoted as Technical Grade III in the pay scale of Rs.3050-4590 which is lower in scale of pay drawn by him as Diesel Mechanic Grade I. Alleging that the posting of the applicant as Technical Grade III amounts to reversion to a lower post and not promotion as stated in the impugned order and that it is illegal and unjust to appoint a person to a service in which he has not been working and away from a service in which he has been working for 23 years, the applicant has filed this application seeking to set aside the impugned order and for a direction to the respondents not to reduce the pay and allowances and other privileges enjoyed by the applicant.

2. The respondents seek to justify the impugned action. The material contentions raised are that the claim of the applicant that he was appointed as Diesel Engine Fitter (Diesel Mechanic Grade III) on 13.11.79 is false, that the applicant commenced service as a substitute Electrical Khalasi in the (Cadre Post) in scale Rs.196-232 on 7.12.1979, that he was screened and absorbed against the regular post of Electrical Khalasi vide letter dated 29.10.1980 (Annexure R-1), that he was then promoted as Khalasi Helper, that while so, he had volunteered for the post of Diesel Mechanic Grade II (Ex-cadre) in scale Rs.1200-1800 (Revised Scale Rs.4000-6000), that having been found successful in the trade test, he was appointed to that post on 25.2.89, that he was again promoted as Diesel Mechanic Grade I (Ex-cadre) in the scale of Rs.1320-2040 (Revised Scale 4500-7000) vide office order dated 21.5.91 and that he was thereafter allowed to continue in the

same capacity, that now in view of the directions contained in the letter of Chief Personnel officer, Southern Railway, Chennai dated 15.10.01 directing repatriation of persons working on ex-cadre post beyond 4 years and filling up such ex-cadre post by volunteers, with a view to afford the applicant to familiarize with the work of his parent cadre where he has prospects for promotion as Mechanic Skilled Grade II and I, the applicant was sent back to his parent cadre and therefore he has no legitimate grievance calling for intervention of this Tribunal. The respondents contend that the drop in emoluments on quitting the ex-cadre post is not a grievance that calls for redressal because the higher emolument was the benefit of officiating post on which he has no lien.

3. The applicant in his rejoinder has stated that the applicant has never worked in any department other than the Diesel Mechanic Department and therefore his repatriation is meaningless.

4. We have gone through the material placed on record and have heard the learned counsel of the applicant as also of the learned counsel for the respondents. The learned counsel of the applicant argued that ever since the regular appointment of applicant under the 2nd respondent, the applicant had been working as a Mechanic and, therefore, the impugned order which is now categorized as a repatriation to parent cadre is wholly meaningless and unsustainable because apart from the cadre in which the applicant was working, there was no other cadre to which the applicant belonged to which he could be repatriated. This submission by the learned counsel is made basing on the

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assertion in the application that the applicant entered service of the Southern Railway as a Diesel Engine Fitter (Diesel Mechanic Grade III on 13.11.79, that he having been promoted as Diesel Mechanic Grade II in the pay scale of Rs.1200-1800 by order dated 13.2.89 and further promoted as Diesel Mechanic Grade I in the scale of Rs.1320-2040 by order dated 21.5.91 has been illegally posted to the post of Technician Grade III carrying a much lower pay scale which means a fall not only in status but in emoluments which is arbitrary, irrational and unjust. The learned counsel for the respondents, on the other hand, argued that the applicant was not appointed as a Diesel Mechanic Grade III w.e.f. 13.11.79 as contended by him, that he was regularly appointed as Electrical Khalasi by order dated 29.10.80 (Annexure R-1) while he was working as a substitute casual artisan in terms of the order dated 13.11.79 (Annexure A-4) and that promotion by A-1 and A-2 orders as Diesel Mechanic Grade II and Diesel Mechanic Grade I being only on an ex-cadre post without conferring any right on the applicant for continuance or regularization on the post, he is not entitled to claim retention there and to grudge against repatriation to the parent cadre on promotion as Technician Grade III from the post of Helper Grade I which post he holds substantively.

5. In the face of the fact that the applicant was till his regular appointment by R-1 order dated 29.10.80 as Electrical Khalasi was working as a casual artisan, the case of the applicant that he commenced service in the Railways on 13.11.79 in the post of Diesel Engine Fitter (Diesel Mechanic) Grade III is found to be false and baseless. A-1 order by which the

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applicant was promoted as Diesel Mechanic Grade II makes it clear that the applicant was an artisan staff of the electrical branch and the posting was to an ex-cadre post. That the post of Diesel Mechanic Grade II to which the applicant was promoted is also an ex-cadre post is not disputed by the applicant. The applicant who belongs basically to the electrical branch holding a substantive post of Helper Grade I can have no legitimate grievance in regard to his promotion as Technician Grade III which is in the direct line of promotion in the hierarchy of service to which he belongs. That as a result of promotion in the parent department and repatriation from the ex-cadre post, there would be a fall in emoluments is only natural and unavoidable consequence which is common when a person is repatriated to the parent cadre from an ex-cadre post.

6. In the light of what is stated above, we do not find that the applicant has been subjected to any injustice and that the impugned order does not call for any interference. The application is, therefore, dismissed, leaving the parties to bear their respective costs.

Dated 11th November, 2003.

H. P. DAS
ADMINISTRATIVE MEMBER


A. V. HARIDASAN
VICE CHAIRMAN

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