

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.407/93

Thursday, this the 16th day of February, 1995.

C O R A M

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

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1. C Krishnan, Bridge Erection Moppila Khalasi,
C/o Permanent Way Inspector,
Southern Railway (CN), Kayamkulam.
2. V Muraleedharan Pillai, -do-
3. PS Ravi, -do-
4. K Babu, -do-
5. NV Kunjumutty, -do-
6. P Abdul Rehiman, -do-
7. P Purushothaman, Bridge Erection Moppila Khalasi,
Office of the Depot Store Keeper (DL),
Southern Railway, Quilon.
8. PT Vijayarajan, -do-
9. MK Ahammed, -do-
10. VP Koyanni, -do-
11. P Mayin, -do-
12. C Aboobacker, -do-
13. M Chandran, Bridge Erection Moppila Khalasi,
Office of the Chief Inspector of Works,(DL),
Southern Railway, Quilon.
14. KM Madhavan, -do-
15. PN Saidalavi, -do-
16. AK Abdul Rehiman, -do-
17. P Johnson, -do-
18. AP Hassankutty, -do-
19. TV Saidalavi, -do-
20. MK Abdul Rehiman, -do-
21. K Moideen Kutty, -do-

....Applicants

contd.

By Advocate Shri TC Govindaswamy.

vs.

1. Union of India through the General Manager,
Southern Railway, Madras-3.
2. The Chief Engineer (Construction),
Southern Railway, Madras-8.
3. The Executive Engineer (Construction),
Southern Railway, Kayamkulam.
4. The Executive Engineer (DL),
Southern Railway, Quilon.

....Respondents

By Advocate Shri Thomas Mathew Nellimoottil.

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are Bridge Erection Moppila Khalasis under the Southern Railway. According to applicants, in the Southern Railway, there is no separate cadre of Bridge Erection Khalasis other than Moppila Khalasis and that the term "Moppila Khalasi" has come from historical reasons, and that the records will show applicants only as Bridge Erection Moppila Khalasis. Applicants also state that in other Railways, the designation is only Bridge Erection Khalasis. While so, the Railway Board by A2 order dated 11.4.85 decided that all posts of Bridge Erection Khalasis would be re-classified as skilled and paid in the grade of Rs.260-400 (RS) with effect from 1.12.84. The order No.RBE 193/85 reads:

"As a result of discussions in the PNM meeting with NFIR held on 27th & 28th September, 1984, the Ministry of Railways have decided that all the posts of Bridge Erection Khalasis in scale Rs.210-290 may be reclassified as skilled in grade Rs.260-400 (RS).

contd.

2. The above orders will take effect from 1.12.1984."

(Emphasis added)

Applicants state that they were paid the skilled grade of Rs.260-400 from 1984 to 1991 and that they continue to draw the pay in skilled grade after 1991 as a result of the interim direction of the Tribunal.

2. In 1991 by A3, A4 and A5 orders, Moppila Khalasis who were not being utilised for bridge erection work were reverted to semi-skilled grade. This was challenged in OA 1127/90, OA 108/91 and OA 139/91 and the Tribunal directed, that the representation of applicants be disposed of by the respondents. General Manager, Southern Railway issued letters A8 and A9. A8 states that the Railway Board while issuing orders in A2 "had in view" the performance of the following duties by the Bridge Erection Khalasis as reflected in the minutes of the meeting held on 27/28.9.84:

- "(a) Lifting of girders in connection with greasing of bearings with jacks.
- (b) Insertion of relieving spans, making sleeper cribs in connection with re-girdering and rehabilitation.
- (c) Patch paintings of girders as and when required unloading and loading of girders.
- (d) Erection water tank staging, platform shelter, footover bridge etc.
- (e) Flood light towers etc."

It is further stated that those who were not engaged on a work mentioned above would not be entitled to the skilled grade. The General Manager, Southern Railway, also ordered that the number of persons required for skilled work would be assessed, that a trade test would be conducted, that seniority would be decided on the basis

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of number of days put in as Moppila Khalasis and that the position would be finalised before 28.2.93. Instructions were also given that those who do not qualify the trade test or are not senior enough would be engaged only in the lower scale and that the designation of the skilled person would be 'Tindal Bridge Erection'. The number of skilled posts would be assessed periodically.

3. The contention of the applicants is that the Railway Board had issued an order A2 placing all of them in the skilled grade without any conditions and that they had been paid accordingly for over 7 years. Even subsequently they have been continuing to draw the pay of the skilled grade under interim orders of the Tribunal. The order of the Railway Board being very specific and without any conditions that all the posts of Bridge Erection Khalasis would be reclassified as skilled, there was no occasion or need for modifying it at the level of the General Manager and making the order applicable only to a certain number of employees.

4. In our view, this contention is well taken. If the Railway Board had intended that the reclassification was subject to various conditions such as actual performance of certain duties, we would expect that the order A2 would have mentioned all those conditions. It would not be desirable to modify these orders A2 of 1984 after a long period of 7 years during which period, they were implemented without difficulty and seek to revert certain persons to a lower grade for no sustainable and valid reasons other than that they were allotted certain work not found in the list extracted above in para 2. Even the orders A3, A4 and A5 do not refer to any of the grounds which the General Manager has now set out in A8 and A9 letters as the reason for the reversion. It is as if the reversion was implemented and thereafter sought to be justified on certain grounds which have

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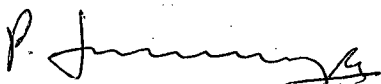
been set out in A8 and A9 and which have the characteristics of an afterthought. When the entire category of Bridge Erection Khalasis (known in Southern Railway as Bridge Erection Moppila Khalasis) in all the Railways has been reclassified as skilled and paid higher scales, there is no justification to review the matter after 7 years in the Southern Railway alone and deny the benefit of higher grade to a few members of the reclassified category and impose new conditions. The position would, no doubt, have been different if Railway Board has revised its A2 order. On grounds of equity alone applicants appear to be entitled to the relief prayed for in prayers (d) and (e).


5. We accordingly direct first respondent to implement the orders of the Railway Board A2 as they stand and in the manner in which they have been implemented from 1984 to 1991 and continue to do so in the case of applicants without imposing fresh conditions as set out in A8 and A9.

6. There are other prayers in the application relating to temporary status and such other related matters. Regarding these, applicants may make a fresh representation to the first respondent within one month and if such a representation is received, first respondent shall consider it and pass appropriate orders within three months of its receipt.

7. Application is allowed to the extent indicated above. No costs.

Dated the 16th February, 1995.


P SURYAPRAKASAM
JUDICIAL MEMBER


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of Annexures

- Annexure A-2 : Railway Board letter dt. 11.4.85
reclassifying Bridge Erection Khalasis
- Annexure A-3 : Order No.DL/QLN/19/91 dated 2.1.91
reducing Pay Scales.
- Annexure A-4 : No.P.407/CN/TVD dt. 9.11.90 reducing
the scale of Pay.
- Annexure A-5 : P.407/CN/ERS Rae dated 9.1.91 reducing the
scale of pay.
- Annexure A-8 : Southern Railway, Hqrs. Office, Works-
Consturction Branch letter No.P.363/I/CN/
MS/416 dated 18.12.92.
- Annexure A-9 : Southern Railway, Hqrs. Office
Works-Construction Branch letter No.P.363/I/
CN/MS/416 dated 31.12.92.