

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
(LUCKNOO BENCH)  
LUCKNOW.

O.A. NO

303/89

199 (L)

T.A. NO

A-109

Date of Decision

Prabhu Dayal

Petitioner.

Shri S.P. S. Inda

Advocate for the  
Petitioner(s)

V E R S U S

Union of India & others

Respondent.

Shri A. Suresh Singh

Advocate for the  
Respondents

C O R A M

The Hon'ble Mr. Justice V.C. Sarma, VC.

The Hon'ble Mr. K. B. Singh, J.

1. Whether reporter of local papers may be allowed to see the Judgment? *y*
2. To be referred to the reporter or not? *y*
3. Whether to be circulated to other benches? *N*
4. Whether ~~the~~ their Lordships wish to see the fair copy of the Judgment? *N*

*Vir*  
VICE-CHAIRMAN/MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 303 of 1989

Prabhoo Dayal

Applicant.

versus

Union of India & ors.

Respondents.

Shri S.P.Sinha Counsel for applicant.

Shri A.Srivastava Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Feeling aggrieved from the promotion of his juniors the applicant has approached the Tribunal praying that the applicant be confirmed as Skilled Auto Truck Driver from 9.4.1980 i.e. from the date of promotion and be promoted as Highly Skilled grade II and grade I, from the retrospective effect, on the basis of combined seniority list of skilled categories and the respondents be further directed to treat the applicant to be entitled for promotion from the date his juniors have been promoted as Highly Skilled grade II and I.

2. The applicant was appointed on the post of Khalasi on 15.12.1955 and was promoted as Auto Truck Driver in the scale of Rs 210-290 with effect from 9.4.1980. In view of the instructions issued on 13.11.82 by the Railway Board the trades presently designated as Semi skilled have been re-classified as skilled in the scale of Rs 260-400 and thus the posts were

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designated as skilled from 1.8.78 and the incumbents working in the semi skilled grades were given fixation in the pay scale of Rs 260-400 w.e.f 1.8.78 from the date of actual promotion in semi skilled grade, which benefit has not been made available to the applicant. According to the applicant he was promoted as semi skilled Auto Truck Driver with effect from 9.4.80 and on the reclassification as skilled was fixed in the scale of Rs 260-400(R(S) while the other incumbents were allowed fixation in the scale of Rs 260-400 w.e.f. as skilled 1.8.78. The applicant was designated Auto Truck Driver with effect from 9.4.80. The avenues of promotion of Auto Truck Driver was in the categories (Trades) of Fitter, Mason, Motor Car Driver, Turner, Fork Lifter, Driver, Cole Crane Driver, Motor Mechanic etc. but he was not considered for promotion in any of the trade and juniors were promoted as fitter. According to the Railway Board's directions to combine cognate trades for further avenue of promotion as Highly skilled grade I and II and combined seniority list of Motor Driver, Motor Mechanics, Auto Electrician, Diesel Mechanics, Air Compressor Drivers and Auto Truck Drivers but the promotions in Highly skilled grade I and II were not according given to the seniority list. The Railway Board issued directions for upgrading the strength of semi-skilled posts reclassified as skilled from 1.1.84. On the basis of the sanctioned strength in a single trade these posts

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can be distributed as Highly skilled grade I-6,  
Highly skilled grade II-7 and skilled -6.

3. The respondents have opposed the application and have raised preliminary objection and according to them higher percentage at the ratio of 20: 25 was contemplated in cognate trades of Auto Truck Drivers which means that 20% of the posts of Grade I and 25 % of the posts of grade II worked out on the total sanctioned strength of Auto Truck Driver were considered in the category of Fitter Motor Driver etc. and the promotion was refused due to distribution of promotion against grade I and II from cognate trade i.e. Fitter Motor Driver etc. The post of artican was below the skilled fitter Driver and the question of promotion of the applicant to the grade I and II does not arise. He was not within the field of ~~eligibility~~ eligibility and he has to qualify as skilled fitter and then to grade II and then grade I. It was decided by the competent authority to re-channalise the avenue of promotion for further advancement. Accordingly, Motor Drivers, Motor Mechanics, Auto Electricians, Diesel Mechanics and Motor Compressor Drivers were combined but Auto Truck Drivers were separate group and was feeding category for the post of Motor Drivers.

4. Once the applicant was promoted in the skilled grade, there appears to be no reason why promotion


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be not given. The position of the applicant was higher and once the applicant was already posted and was granted higher grade there is no question of denying promotion as per Railway Board circular referred to above. Though the applicant was Auto Truck Driver but his case for promotion for higher grade could have been considered and ~~and~~ the benefit of the promotion will be given to him from 1.1.1984.

5. Accordingly the respondents are directed to consider the case of the applicant for Auto Truck Driver, to and also for promotion/the post of Skilled grade I and II taking into consideration the seniority and promotion with effect from the date his juniors were promoted without requiring him to appear in the trade test which has wrongly been made a condition precedent for those who appeared earlier in the test as provided in the circular of the Railway Board referred to above. Let a decision be taken within a period of 3 months of the receipt of a copy of this judgment. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/

Lucknow: dated 14.9.92.