

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

ORIGINAL APPLICATION No. 334 of 1991.

Nagina Singh and others

Applicants.

versus

Union of India & others

Respondents.

Shri K.P.Srivastava, Counsel for applicant.

Shri Anil Srivastava, Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. SRIVASTAVA, VICE CHAIRMAN.

Hon. Mr. K. Obayya, ADMINISTRATIVE MEMBER.

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

The applicants, who are 3 in number, employees of the Railways have prayed that a mandamus directing the respondents to fit the applicants in the grade of Rs 550-750(AS) (Rs 1600-2660) w.e.f. 15.5.87 with consequential benefits including fixation of arrears and seniority, be issued, as shown in para XV of the Railway Board letter contained in Annexure No. 1 to the application.

2. The applicants appeared in the examination of the Traffic Apprentice conducted by the Railway Service Commission in 1980 in which they were declared successful and thereafter they were placed in the panel of Traffic Apprentice and they joined the Training School at Chandausi w.e.f. 13.7.83 and underwent 3 years

Training as required under para 123 of the Indian Railway Establishment Manual. The applicant No. 1 was under D.R.M., Lucknow posted as Traffic Inspector/ in the year 1986, the applicant No. 2 was posted as Assistant Station Master at Utrairia and the applicant No. 3 was posted as Assistant Station Master in September, 1986 at Malhaur Station and he is now working as Section Controller since February, 1990 in the grade of Rs 1400-2300 under D.R.M., Lucknow. According to the applicants, they have been appointed before the issuance of the Railway Board circular dated 15.5.1987 which provided for fixation of the traffic Apprentices recruited after 15.5.87 in the grade of Rs 550-750(1600-2660 RPS). The applicants were not given the benefit of the same and continued in the grade of Rs 1400-2300 on the ground that they have been appointed before 15.5.87. In the Railway Board order the training period of the newly recruited Traffic Apprentices has been reduced from 3 to 2 years and the applicants have been exempted from the new syllabus to be taught to the new entrants but they will have to appear in the examination to be conducted by the Railway Recruitment Board and only thereafter are to be sent for training. The applicants' complaint is against this discrimination and in this connection they have placed reliance on judgment given by this Tribunal in O.A. No. 152/90(L) Ram Sukh and others vs. Union of India and others decided on 10-5-91 against which S.L.P. was also dismissed by the Hon'ble

Supreme Court.

3. The respondents have justified their action to distinguish the grade prior to 15.5.87 and after 15.5.87 and have stated that although the training period has been reduced from 3 to 2 years the Railway Board has raised the standard of examination and the recruitment will be in the higher grade of Rs 1600-2660 instead of Rs 1400-2300, including those who are undergoing training have also been made eligible to appear in the departmental competitive examination upto the age of 50 years but in the case of open market competitive examination ~~and other~~ cases the age is 45 years.

4. This matter came ~~up~~ before this Bench of the Tribunal, of which one of us (Hon'ble V.C.) was a member and the Bench has taken a view that similar matter has been decided in favour of the applicants by the Madras Bench of the Central Administrative Tribunal and other Benches also, in pursuance of which a direction was issued by the Railway Board that for the present, the said judgment of Madras Bench of C.A.T in O.A. No. 322/88 and 488/88, is to be implemented and the applicants are covered by it. In agreeing with the Madras Bench of the Tribunal we took a view that the benefit of the higher grade of Rs 550-750/1600-2660 <sup>after</sup> be granted to the applicants w.e.f. 15.5.87, or the

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of completion of their training, whichever is later and the respondents were directed to comply with the directions within 3 months. The Railway Administration has placed reliance on the judgment given by the Bombay Bench of this Tribunal delivered on 29.8.91 in O.A. No. 920/88 'Sri Kusimakar K. Damla vs Union of India and others. In the said case the Madras Bench judgment was not brought to our notice regarding which it has been stated that same has not been implemented and the same was not relied on as it was found that it was in respect of seniority list. While deciding Bombay case we did not take notice of the case of Allahabad Bench of the C.A.T., and even Madras Bench judgment where S.L.P. was dismissed, whereafter the Railway Board issued circular and the fact that there are two artificial divisions and they have been divided into two groups which difference was not taken notice and accordingly, the said Bombay judgment has got to be ignored and we adhere to the judgment given on 10.5.91 in O.A. No. 152/90 'Ram Sukh and others vs. Union of India, of C.A.T., Allahabad (Circuit Bench, Lucknow) and accordingly this application is allowed and the respondents are directed to comply with the directions given in the above O.A. 152/90 decided at C.A.T. Allahabad (Circuit Bench, Lucknow) and let it be done within

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three months of the communication of the order  
which we have already held sitting at CAF, Circuit  
Bench Lucknow. No order as to costs.

*(Signature)*  
Adm. Member.

*(Signature)*  
Vice Chairman.

Shakeel/-

Lucknow: Dated: 6/1/1992