

Order: Pronounced by the Hon'ble Shri S. MANICKAVASAGAM  
MEMBER (A)

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The applicants belong to the Khalasi cadre in Train Lighting Group (TLG for short). By an order dated 16.4.1991 they were shifted from the TLG wing to Air-conditioning coaches. Immediately thereafter - vide order 19.6.1991 they were transferred to TLG. The applicants are challenging this action of the respondents in this OA.

2. Briefly stated the case of the applicants is as follows. Before 14.7.1988 there were three groups for promotion from the grade of Khalasi Helper, viz. Airconditioning (A/c- for short), Power and TLG. From 14.7.1988 the respondents have decided that the A/C Group should be merged with Power Group. Thereafter from 14.7.1988 there were only two groups, viz. Power and TLG. Both these <sup>Grades</sup> carry the same pay scales.

3. The respondents have filed a detailed reply resisting the claim of the applicants. It is stated that Khalasis (Rs. 750-940) are promoted as Khalasi Helpers (Rs. 800-1150). Khalasi Helpers <sup>were</sup> are eligible to be promoted as any three groups, viz. A/c, Power and TLG before 14.7.1988. Thereafter it was decided that the A/c group should be merged with Power and after 14.7.1988 there <sup>were</sup> are only two groups, viz. Power and TLG. It is stated that the applicants who were working as Khalasi Helpers in the pay scale of Rs. 800-1150 were promoted to the next higher grade. The respondents have stated that their action cannot be faulted and the OA is liable to be dismissed as devoid of merit.

4. We have heard the learned counsel for both sides and perused the records.

5. It may be noted that prior to 14.7.1988 there were three groups. Thereafter the A/C work was distributed in such a way that it is available in both Power and TLG. On a careful reading of the various <sup>job</sup> description listed under both these heads would indicate that <sup>not</sup> only the

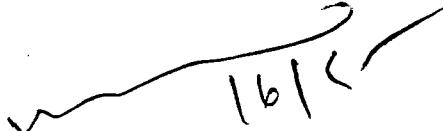
pay scales are the same, but the type ~~as~~ of work has also been evenly distributed so that persons working in adequate Power and also TLG can have ~~exposure~~ in A/c work. This action of the respondent cannot be faulted. Further ~~as~~ the promotional avenue for Kalasi Helpers is to the grade of Power Group or TLG, for which the pay scales are same. Therefore there cannot be any complaint as to arbitrariness or discrimination.

6. We further find that the respondents have devised a scheme apparently having in mind the nature of employees exposed to both types of work in both the group <sup>so that</sup> <sub>as they</sub> go up in the ladder of promotion they are in a better position to supervise. Therefore shifting the persons from one Group to other group cannot be termed as arbitrary or whimsical.

9. In the light of the discussion above, the impugned action of the respondent department does not call for interference and the OA is dismissed as devoid of merit with no order as to costs.

  
(S. MANICKAVASAGAM)

MEMBER (A)

  
(D.V.R.S.G. DATTATREYULU)

MEMBER (J)

16.5.2000

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