

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHO.A.NO.: 188 OF 2006[Patna, this Thursday, the 17/11 Day of February, 2011]C O R A M

HON'BLE MR. JUSTICE ANWAR AHMAD, MEMBER [JUDL.]

HON'BLE MR. A.K.JAIN, MEMBER [ADMN.]

1. S.S.P.Gupta, son of Shri V.P.Gupta.
 2. M.K.Tribedi, son of Shri B.K.Trivedi.
 3. A.K.Pandey, son of Narbadeshwar Pandey.
 4. Pradeep Kumar, son of Gauri Shankar Prasad.
 5. J.K.Mishra, son of Shri S.P.Mishra.
 6. A.K.Sinha, son of Narbadeshwar Prasad Singh.
-All working as Yard Master under E.C.Railway, Danapur
Division, Danapur.APPLICANTS.
By Advocate :- Shri M.P.Dixit.
Shri S.K.Dixit.

Vs.

1. The Union of India through Secretary, Railway Board, Rail Bhavan, New Delhi.
 2. General Manager, E.C.Railway, Hazipur.
 3. Divisional Railway Manager, E.C.Railway, Danapur.
 4. Sr. Divisional Operating Manager, E.C.Railway, Danapur.
 5. Sr. Divisional Personnel Officer, E.C.Railway, Danapur.
-RESPONDENTS.
By Advocate :- Shri A.K.Choudhary, ASC.

O R D E R

Justice Anwar Ahmad, M[J] :- This OA has been filed by the applicants, S.S.P.Gupta and five others, all working as Yard Master under E.C.Railway, Danapur, for the following reliefs :-



"8[a] Your Lordships may graciously be pleased to quash and set aside the impugned order dated 12.08.2005 [Annexure-A/7] and declare the action of respondents no. 1 to 5 as null and void.

[b] Respondents be directed to promote the applicants in grade Rs. 2000-3200/- 6500-10500 and 2375-3500-7450-11500 from the date on which their juniors [Traffic Apprentice], including Shri Ajay Kishore has been promoted along with all consequential benefits like arrears etc. along with interest @ 25% p.a. OR, Pay of the applicants should be protected at par with their juniors who have promoted in grade Rs.2000-3200 and 2375-3500-7450-11500/- including Shri Ajay Kishore, whereas the applicants admittedly being senior[Traffic Apprentice] are in grade of Rs.6500-10500 along with pay and its arrears with interest @ 25% p.a.

[c] Any other relief of reliefs may kindly be allowed in favour of the applicants including cost of the proceedings."

2. The learned counsel for the applicants submits that the applicants were initially appointed/selected through RRB as Traffic Apprentice vide letter dated 26.12.1983 and were sent for 36 months training [Annexure-A/1]. He submits that prior to commencement of Rule 125 of IREM [Vol. I] 1989, the period of training was three years but, thereafter the period has been reduced to two years and other terms and conditions remained unchanged. He submits that the applicants, along with others, got training in all four posts, i.e., Section Controller/Station Master/Yard Master/Traffic Inspector, and after completion of training they were posted in their aforesaid posts as per the requirement. He submits that some persons, namely, Birendra Kumar, Md. Hussain, R.K.P.Sinha, Ajay Kishore and others were appointed as Traffic Apprentice after the applicants and they were posted as Deputy Controller or Traffic Inspector. He submits that they were much junior to the applicants but they got promotion to the utter violation of the rules. He submits that the applicants, therefore, made a representation [Annexure-A/5]



but no order was passed on the representation and hence, the applicants filed OA 137 of 1999 which was disposed of on 06.04.2005 with the direction to the respondents to decide the representation within a period of two months. He submits that thereafter the respondents passed the impugned order dated 11.08.2005 [Annexure-A/7] and rejected the claim of the applicants.

3. The learned counsel for the applicants refers to Rule 125 of IREM [Vol. I] 1989 and submits that Traffic Apprentices, after completion of training, are posted in the category of Section Controller/Station Master/Yard Master/Traffic Inspector but their seniority is one of Traffic Apprentice and they are entitled to promotion in the aforesaid category as and when vacancy arises on the promotional post. He submits that clause [3] of Rule 125 provides channel of promotion. He submits that the Railway Board has also issued a letter No. PC. IV/86/Imp/50, dated 22.06.1987, circulated through CPO letter dated 14.07.1987. This letter provides -


"2[x] The syllabus for training of Traffic as well as Commercial Apprentices will be recast and up-dated with a view to broad-basing it so that Apprentices of one Department get adequate training relevant to the other Department also.

[xi] A wider exposure to Traffic and Commercial Apprentices after absorption should be arranged by each Railway Administration partly by exchanging Apprentices in one stream with those in other streams and partly by recasting the avenues of advancement in scale Rs.700-900 [RS]/2000-3200 [RP] and above."

The learned counsel, therefore, submits that if the promotional vacancy arises in the category of Section Controller/Station Master/Traffic Inspector, the applicants, who are in the category of Yard Master, are entitled to that promotional post in terms of seniority. He, therefore, submits that the respondents have made discrimination by promoting the Traffic Apprentices



appointed after the applicants simply on the ground that they belong to the category of Section Controller and Station Master. He submits that one Ajay Kishore who was appointed as Traffic Apprentice in the year 1990 and posted as Deputy Station Master, i.e., much later than the applicants who were appointed in the year 1983, was granted promotion on the next higher grade as Station Master. He further submits that Shri Ajay Kishore also got further higher scale under re-structuring whereas, the applicants were granted the benefit of re-structuring on a lower grade. He submits that Shri Ajay Kishore, who is much junior to the applicants, has become senior to the applicants as a result of which the applicants have to work under him. He further submits that one R.R.Kumar was initially selected/appointed as Traffic Apprentice and posted as Yard Master, like the applicants, in Dhanbad Division and came to Danapur Division on transfer and he was posted as Section Controller [Annexure-A/3]. He, therefore, submits that the aforesaid four posts are interchangeable. Learned counsel submits that Railway Board has issued letter No. PC-III/2003/CRC/6, dated 09.10.2003 regarding restructuring of certain Group 'C' & 'D' Cadres in which three categories viz. SM/ASM + YM + TI have been merged and one seniority list as per the provision has to be prepared. He, therefore, submits that this is not correct to say on the part of the respondents that the Traffic Apprentices working under the aforesaid category have got separate seniority in their respective grade. He submits that they have got one and the same seniority and as and when vacancy arises in the promotional post, that is to be filled in accordance with the seniority of the Traffic Apprentice.



The learned counsel for the applicants, on the basis of his aforesaid submissions, submits that the OA be allowed and the reliefs, prayed for, be granted.

4. The learned counsel for the respondents, on the other hand, submits that the Traffic Apprentices after appointment are posted in the aforesaid category and they receive training of that category. He submits that each category is separate and distinct and seniority of each category is maintained separately. He submits that each category has got its own channel of promotion. He, therefore, submits that the applicants, who belong to the category of Yard Master, cannot be promoted on the promotional post of other categories and similarly, the Traffic Apprentices working under other categories cannot be promoted to the category of Yard Master. He submits that Ajay Kishore was, of course, much junior to the applicants but he was in the category of Deputy Station Master in which promotional vacancy arose and hence, he was promoted to that post. He submits that the applicants who belong to the category of Yard Master could not be promoted as no promotional vacancy arose there. He submits that so far as the case of R.R.Kumar is concerned, he joined Danapur Division on transfer from Dhanbad Division on his own request and he was absorbed in SCNL as per the administrative needs under the orders of the competent authority and at the time of his absorption his seniority in the category of SCNL was fixed from the date of his absorption. So, he submits that the case of R.R.Kumar is different and no such inference, as alleged by the learned counsel for the applicants, can be drawn in the instant case.



5. The learned counsel for the ^{respondant} ~~applicants~~ submits that the Railway Board issued letter regarding restructuring of certain Group 'C' & 'D' Cadres in which multi-skilling – merger of three categories of Station Master/Asstt. Station Master, Yard Master & Traffic Inspector was introduced. In terms of the merger these three categories which were separate and distinct have been merged and after merger integrated seniority list was prepared for the different categories by integrating the seniority of the employees working in respective grades with reference to length of non-fortuitous service in the relevant grade keeping the inter-se seniority in the respective group intact. He submits that after merger of the said categories of posts, the inter-se seniority of posts was prepared. He submits that since promotional avenues in all different categories of posts were different hence, junior to the applicants, namely, Ajay Kishore, was promoted much earlier to the applicants in this cadre and became senior to them as back as on 01.03.1993 and hence, his next promotion to the higher grade under the re-structuring was given. He, therefore, submits that in the circumstance, Ajay Kishore is not junior to the applicants. He, therefore, submits that there is no merit in the OA and the OA is fit to be dismissed.

6. Rule 125 of IREM [Vol. I] 1989 relates to Traffic Apprentice.

The Rule provides as follows :-

“125. [1] 25% of the vacancies in the categories of Section Controllers, Station Masters, Yard Masters and Traffic Inspectors in scale Rs.1400-2600/- 1600-1660 will be filled by recruitment as Traffic Apprentices as under :-

[i] 15% by direct recruitment through the Railway Recruitment Boards and



[ii] 10% through Limited Departmental Competitive Examination from amongst serving staff [other than Ministerial] in the Traffic [Transportation] Department who are graduates and are upto 40 years of age.

[2]

[3] Channel of Promotion/Higher grades.

The following higher grades are available to Traffic Apprentices after their absorption in a waiting post for their advancement as per the channel of promotion laid down by the Zonal Railway Administrations keeping the broad policy framework laid down by the Railway Board. Dy. Chief Controller/Dy. Station Supdt. Dy. Yard Master/Traffic Inspector [2000-3200].

Chief Controller Station Supdt. Chief Yard Master/Chief Traffic Inspector [2375-3500].

7. On going through the aforesaid provisions it is quite clear that the categories of Section Controllers, Station Masters, Yard Masters and Traffic Inspectors, all Traffic Apprentices, are separate and distinct categories and they have got separate and distinct channel of promotion. The Railway Board's letter referred to by the learned counsel for the respondents shows that the aforesaid categories are separate and distinct and that is why some provisions, referred to above, have been made. Railway Board's letter in respect of restructuring, discussed above, also shows that the aforesaid categories were separate and distinct otherwise there was no question of multi-skilling – Merger of the three categories of Station Masters, Yard Masters and Traffic Inspectors.

8. We are, therefore, of the view that the four categories of Section Controllers, Station Masters, Yard Masters and Traffic Inspectors are distinct and separate. The learned counsel for the applicants, who pleaded that all the aforesaid posts are one category, could not file their common seniority

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list as these categories are separate and hence, their promotion was to be determined on the basis of the vacancy arising on the promotional post in their respective grade.

9. Considering the facts and circumstances of the case, rival submissions and discussions made above, we are of the view that there is no merit in the OA and the same is fit to be dismissed.

10. In the result, the OA is dismissed with no order as to costs.



[A.K.Jain]/M[A]


[Anwar Ahmad]/M[J]

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