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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No.
T.A. No. 508/87

198

DATE OF DECISION 28.8.90

Shri N.Narayanan and 19 others Petitioner

Mr G.K.Masand Advocate for the Petitioner(s)

Versus

Union of India and others Respondent


Mr N.K.Nagnor, Clerk Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G.Sreedharan Nair, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? X
2. To be referred to the Reporter or not ? X
3. Whether their Lordships wish to see the fair copy of the Judgement ? X
4. Whether it needs to be circulated to other Benches of the Tribunal ? X


(G. Sreedharan Nair)
Vice Chairman.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :NEW BOMBAY BENCH
NEW BOMBAY

TR 508/87.

Shri N.Narayanan and 19 others	<u>Applicants.</u>
versus	
Union of India and others	<u>Respondents.</u>

P R E S E N T :

The Hon'ble Shri G.Sreedharan Nair, Vice Chairman

The Hon'ble Shri M.Y.Priolkar, Member(A).

For the applicant- Mr G.K.Masand, Advocate

For the respondents- Mr N.K.Ngnor, Clerk
office of the respondent No.I.

Date of hearing- 22.8.90.

Date of order - 28.8.90.

JUDGMENT & ORDER :

G.Sreedharan Nair, Vice Chairman :-

This relates to Writ Petition No.2627/83 on the file of the High Court of Bombay, which has been received on transfer.

2. The applicants were recruited as casual/substitutes Cleaners in the Catering Department under the respondents. It is alleged by them that since they are all literates, they were engaged to work as Bill Issuers/Assistant Managers/Managers, in the Catering Department, but they are being paid only the pay of the Cleaners. They pray for a direction to the respondents to regularise their service as Bill Issuers retrospectively with effect from the dates they have been so working and to consider them as eligible for promotion as Bill Issuer/Assistant Manager.

3. In the reply filed on behalf of the respondents, it is stated that all the applicants were appointed as Casual Labourers/substitutes and were subsequently granted temporary status in the category of Cleaners in the scale of Rs. 196-232/- in the Catering Organisation and that subsequently their services have been regularised in the initial recruitment

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2.

category of Cleaner. It is pointed out that the avenue of promotion for Cleaner is first to the grade of Cook and then only to that of Bill Issuers and that too after passing a written test. It is stated that as per office records, the applicants are all working as Cleaners and Waiters. It is further stated that the question relating to the avenue of promotion of catering staff has been referred to the Railway Board and it is on that account that the suitability test for the post of Bill Issuers has not been held.

4. Though the applicants were appointed and their services have been regularised only against the post of Cleaner, it is in evidence that they have been working as Bill Issuers and even in higher categories.

5. It is seen that while the matter was pending before the High Court, on 15.11.1984 interim relief was allowed to the applicants as a result of which it is admitted that the applicants are being continued in the post of Bill Issuers. This is clear from the affidavit filed by the Deputy Chief Personnel Officer on 20.7.1989, on behalf of the respondents 1 to 3. It is further stated therein that the channel of promotion has been revised in consultation with the recognised Trade Unions and at present all the Class-IV employees of the Catering Department working ⁱⁿ the grade below Rs.825-1200/- having three years of service are eligible to appear for the written test to ascertain the suitability for promotion to the post of Bill Issuers. It is specifically admitted that pursuant to the revised channel of promotion, all the applicants presently working in the Catering Department are eligible to appear to the suitability test and they will be permitted to appear, and if they qualify they can be considered for promotion to the post of Bill Issuers as per Rules.

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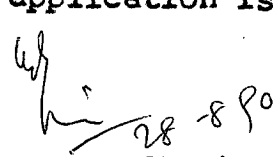
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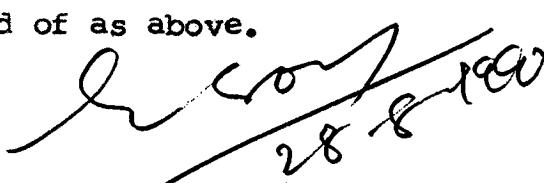
6. In view of the above ^{the} interests of justice will be met by the issue of the following directions :

(i) These applicants shall be given the difference in pay between that of the Cleaner and Bill Issuer from 15.11.1984 treating them as having officiated in the post of Bill Issuer.

(ii) The written test for the purpose of promotion to the post of Bill Issuer in accordance with the scheme contained in the letter of the General Manager dated 16.2.1989 (Exhibit-R/1) shall be conducted expeditiously and such of the applicants who so desire shall be permitted to take the same.

7. The application is disposed of as above.


(M.Y. Priolkar)
Member (Admn)


(G. Sreedharan Nair)
Vice Chairman.

S.P. Singh/
24.8.90.