

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW BOMBAY BENCH

O.A. No. 13/89.  
T.A. No.

198

DATE OF DECISION 29.8.90.

Wana Raoji

Petitioner

Mr E.K. Thomas,

Advocate for the Petitioner(s)

Versus

Divisional Railway Manager and anr Respondent

Mr J.G. Sawant,

Advocate for the Respondent(s)

### CORAM

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

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

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

*dy*  
( G.Sreedharan Nair )  
Vice Chairman.

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : NEW BOMBAY BENCH  
NEW BOMBAY

O.A. 13/89.

Wana Raoji ... Applicant.  
versus  
Divisional Railway Manager,  
Central Railway, Bombay and  
another ... Respondents.

P R E S E N T :

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

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

For the applicant - Mr E.K.Thomas, Advocate.

For the respondents-Mr J.G.Sawant, Advocate.

Date of hearing- 27.8.90.

Date of Judgment and order- 29.8.90.

JUDGMENT & ORDER :

G.SREEDHARAN NAIR, Vice Chairman:

The applicant retired from railway service on 30.6.1988. By the order dated 5.8.1986, the applicant while working as Highly Skilled Welder Grade-II, was promoted ~~as posted~~ as Highly Skilled Welder Grade-I with effect from 1.8.1978. This was consequent upon the re-classification of artisan staff as per letter of the Railway Board dated 10.7.1985. It was provided in the order that the applicant is entitled for benefit of fixation of pay with effect from 1.8.1978 and the arrears thereon due to the upgradation in terms of the Railway Board's letter dated 24.8.1988.

2. The grievance of the applicant is that though he is entitled to an amount of Rs. 35,594.00 on the above account, the respondents have not paid the same. He prays for a direction to the respondents for payment of the amount with interest at the rate of 12% per annum.

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3. In the reply filed by the respondents, it is stated that as the applicant was granted the benefit of fixation of pay as a result of the re-classification of the artisan staff, in the cadre of Highly Skilled Welder Grade-II, with effect from 1.8.1978, is not entitled to fixation of pay in the cadre of Highly Skilled Grade-I with effect from that date. It is stated that it was by mistake that in the order dated 5.8.1986 a provision in that behalf was made. It is pointed out that the applicant had actually failed in the trade test for Highly Skilled Welder Grade-I, but passed the test only for Highly Skilled Welder Grade-II.

4. The letter of the Railway Board dated 24.8.1978 is Exhibit-I. It reveals that in accordance with the Interim Report of the Railway Workers' Classification Tribunal, the Ministry of Railways decided that in all establishments employing artisan staff, the distribution of skilled Grade-I, Highly Skilled Grade-II and the Skilled Grade will be in the ratio of 20:25:55. It was directed that the existing posts in the Skilled and Highly Skilled Grades should be redistributed to conform to the above percentage. However, it was stipulated that the requisite Trade test for promotion of eligible staff have been made for appointment <sup>to</sup> <sub>the</sub> against redistributed posts. Besides, it was also provided that on such promotion the staff will be fixed in the scale of pay of Highly Skilled posts with effect from 1st of August, 1978 and paid the arrears due thereon.

5. Pursuant to the aforesaid Scheme, the applicant was ~~Trade~~ tested. He was successful only for the post of Highly Skilled Grade-II. Accordingly, he was promoted to

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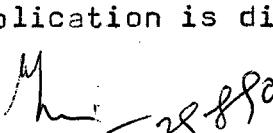
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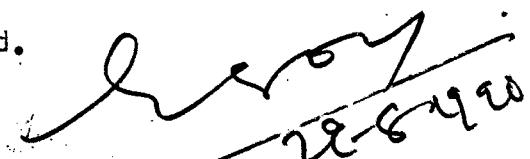
the post of Highly Skilled Welder Grade-II with effect from 1.8.1978 and was paid accordingly. The concerned file was made available by the counsel of the respondents, and on a perusal of the same, it is seen that though the promotion was ~~only~~ made on 13.10.1983, in accordance with the instructions contained in the letter of the Railway Board referred to above, ~~the~~ effect was given from 1.8.78.

6. Thereafter, by the order dated 5.8.1986, the applicant was promoted to the cadre of Highly Skilled Welder Grade-I. In that order, ~~the~~ provision was made that the applicant will be entitled for benefit of fixation of pay with effect from 1.8.1978 and arrears thereon due to the upgradation as per the letter of the Railway Board dated 24.8.78. The respondents have stated that it was by ~~a~~ mistake that this provision was made in the order. We have to accept the version of the respondents, for the benefit of the re-classification was <sup>already</sup> allowed to the applicant when he was promoted to the cadre of Highly Skilled Welder-Grade-II in 1983 by allowing the fixation of pay and arrears with effect from 1.8.1978, in accordance with the letter of the Railway Board dated 24.8.1978. The provisions contained in the said letter do not envisage the grant of the benefit once again on promotion from the cadre of Highly Skilled Welder Grade-II to that of Highly Skilled Welder-Grade-I.

7. It follows that the applicant is not entitled to the amount claimed.

8. The application is dismissed.

  
(M.Y. Priolkar)  
Member(A)

  
(G. Sreedharan Nair)  
Vice Chairman.

S.P. Singh/

28.8.90.