

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 30 AUG 1988

APPLICATION NO.

1090 & 1091

/ 87(F)

W.P. NO.

Applicant(s)

Shri J. Palenappa & another

To

1. Shri J. Palenappa

2. Shri D. Chandra Rajan

(Sl Nos. 1 & 2 -

C/o Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050)

3. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050)

4. The Divisional Railway Manager
Southern Railway
Bangalore Division
Bangalore - 560 023

Respondent(s)

v/s

The Divisional Railway Manager, Southern Rly,
Bangalore & 2 Ors

5. The Divisional Personnel Officer
Southern Railway
Bangalore Division
Bangalore - 560 023

6. The Divisional Mechanical Engineer
Southern Railway
Bangalore Division
Bangalore - 560 023

7. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/REPLY/RETERIOR ORDER
passed by this Tribunal in the above said application(s) on 19-8-88.

Encl : As above

OC

DEPUTY REGISTRAR
(JUDICIAL)

Yours
K. Hanuman
30-8-88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE NINETEENTH DAY OF AUGUST 1988

Present : Hon'ble Shri Justice K.S. Puttaswamy .. Vice-Chairman

Hon'ble Shri P. Srinivasan .. Member(A)

APPLICATIONS No. 1090 & 1091/87(F)

J. Palaniappa,
Greaser, MC 1724,
Loco SBC, Southern Railways,
Bangalore.

D. Chandra Rajan,
Greaser MC 1722,
Loco SBC, Southern Railways,
Bangalore

.. Applicants

(Shri M. R. Achar .. Advocate)

v.

The Divisional Railway Manager,
Southern Railways,
Bangalore Division, Bangalore.

The Divisional Personnel Officer,
Southern Railways,
Bangalore Division, Bangalore.

The Divisional Mechanical Engineer,
Southern Railways,
Bangalore Division, Bangalore.

.. Respondents

(Shri M. Srirangaiah ... Advocate)

These applications having come up for hearing before this
Tribunal today, Hon'ble Shri P. Srinivasan, Member (A) made the
following:

ORDER

The applicants before us entered the service of the
Railways as Khalasis in the grade of Rs.196-232 (now revised
to Rs.750-940) in 1969 and were confirmed in the post in 1972.
In 1978 both of them were promoted as Khalasi-helpers. The

P. Srinivasan



pay scale of Khalasi-helpers after 1.1.1986 is Rs.800-1150. The pay scale of Fireman-C is also Rs.800-1150. The claim of the applicants is that even though they were designated as Khalasi-helpers, they are working in the same scale of pay as Fireman-C and are, therefore, eligible for promotion to the post of Diesel Assistants. At the least they should be appointed as Fireman-C in the same grade and considered for promotion to the post of Diesel Assistants.

2. Shri M.R. Achar, learned counsel for the applicants made the following submissions: In the past Khalasis were screened and subjected to a test before being redesignated as Engine Cleaner (EC). The post of EC carried the same scale of pay as Khalasi, but a Khalasi had first to be appointed as EC before he could aspire for promotion to the post of Fireman-C and for further promotion thereafter in the running cadre. However, after the dieselisation of the Railways, posts of Firemen who were working in Steam Engines are gradually being abolished. The cadre of EC is thus dying out. In the Southern Railway, the designation of EC has been abolished. In a letter dated 20.10.82 addressed to various officials, the Divisional Office of the Mechanical Branch, Bangalore, had clarified that the grade of Loco Khalasi and that of EC were one and the same and that persons already designated as EC should thereafter be called merely Loco Khalasis. The Divisional Personnel Officer, Southern Railway, Bangalore, had also issued a letter dated 4.4.1985 to various other authorities directing that the designation of EC be changed to that of Loco-Khalasis. It was also clarified that there was no post of EC in the Bangalore Division and allie employees

working as EC had been redesignated as Loco-Khalasi with effect from 14.10.1982. As a result of this change promotions to posts of Fireman were being made from Khalasis and Khalasi-helpers in other Divisions of the Southern Railway. In an order dated 27.7.1987 the Divisional Railway Manager, Mysore, had promoted 12 persons who were working as Khalasi-helper as Fireman Gr.II (the original designation of Fireman-C had been changed to Fireman Gr.II). Thus persons earlier designated as EC had been merged into the class of Khalasi and promotion to posts of Fireman-C were being made from among Khalasis who included Khalasi-helpers also. In this manner, the applicants who are Khalasi-helpers have become eligible to be appointed Firemen-C and then as Diesel Assistant in the running cadre. However, persons junior to the applicants in the cadre of Khalasi had already been promoted as Diesel Assistant, while/applicants still continue to be Khalasi-helpers.

3. Shri M. Srirangaiah on behalf of the Respondents resisted the contentions of Shri Achar. No doubt the designation of EC had been given up and all ECs became



D. S. - SC

merged in the category of Khalasis (Khalasi-helpers also falling in this category). However, persons who had earlier been designated as EC after screening and undergoing a test had to be considered first for promotion in the running cadre to posts of Fireman-C and above and only thereafter/those who had not volunteered to be redesignated as EC can be considered for such promotion. By virtue of screening and redesignation/ EC, those persons had acquired a superior right for promotion in the running cadre. The applicants not having been screened and redesignated as EC cannot claim promotion to posts of Diesel Assistants ignoring the claims of others who having been so redesignated had also been promoted to posts of Fireman C or Fireman Gr.II as at present.

4. We have considered the matter carefully. As will be seen from the narration above the position of promotion to the running cadres has indeed undergone a change after dieselisation. An important change is that the separate category of EC has been abolished and all persons hitherto working as Khalasi (including Khalasi-helpers) and EC have been merged into one homogeneous class. After this has happened it seems somewhat anomalous that one section of the homogeneous class of Khalasis viz. those earlier designated as EC should be preferred for promotion over those who had not been so designated even if the latter were senior in the grade of Khalasi. At the same time it is probably difficult for the Railway authorities to disappoint persons who had undergone a screening test to become EC with a view to gain

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access to promotion avenues thereafter, because steam engines were being eased out. This is a matter which the Railway authorities have to consider in depth. It can involve a change of promotion policy already in vogue. We feel that the respondents have to undertake a review of their policy of promotion. At this stage we do not wish to express any opinion as to the relative rights of persons like the applicants and others who have before dieselisation been designated as EC and probably have also been promoted to posts of Fireman-C, as we do not feel competent to do so at present. As we have said earlier this is a policy matter in which the Administration has to first apply its mind and come to a conclusion.

5. In the light of the above we would direct the respondents to undertake a review of the promotion policy to the running cadre viz. to posts of Fireman-C, Diesel Assistant and so on, bearing in mind the developments that have taken place and the expectations that may have been aroused in the minds of different categories of employees. As we have stated earlier we consider it premature for us to express any opinion on the contentions raised in the application.

6. The applications are disposed of on the above terms. In the circumstances of the case parties to bear their own costs.

TRUE COPY

sd/-

VICE CHAIRMAN 19/8/85

sd/-

MEMBER (A)

bsv

Rajendra Singh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE