

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No: 807/91

Transfer Application No:

DATE OF DECISION: 12/8/94

Shri C. S. Gopalan & Anr. Petitioner

Applicant in person. Advocate for the Petitioners

Versus

Central Railways Respondent

Shri J. G. Sawant, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

The Hon'ble Shri V. Ramakrishnan, Member (A).

1. To be referred to the Reporter or not? No
2. Whether it needs to be circulated to other Benches of the Tribunal? No

V. Ramakrishnan
(V. RAMAKRISHNAN)
MEMBER (A).

OS*

(7)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO.: 807/91.

Shri C. S. Gopalan Nair & Anr. ... Applicants
Versus
Central Railway. ... Respondents.

CORAM :

1. Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.
2. Hon'ble Shri V. Ramakrishnan, Member (A).

APPEARANCES :

1. Shri C. S. Gopalan,
Applicant in person.
2. Shri J. G. Sawant,
Counsel for the Respondents.

JUDGEMENT

DATED : 12/8/94

I Per. Hon'ble Shri V. Ramakrishnan, Member (A) I.

1. The applicants are aggrieved at the seniority list dated 30.03.1989 ^{Exhibit 'A'} prepared for the purpose of selection to Grade-II (Group 'B') Service for the post of Assistant Signal Inspector and Telecommunication Inspector in the Signal and Telecommunication Department of Central Railways. They claim that they should rank senior to some officials who are shown above them in the seniority list.

2. The applicants are Signal Inspectors Grade-I. The next higher level of promotion for this category is to ~~the grade~~ of Assistant Signal and Telecommunication Engineers, which is in Group 'B' Service. Recruitment to this higher level is done through 40% by way of direct recruitment and 60% by way of promotion. Out of

the promotion quota, 25% vacancies are filled up through departmental candidates, who come out successful in the Limited Departmental Competitive Examination and 75% on the basis of seniority-cum-suitability after written examination and viva voce test. As a result of restructuring of cadres in Signal & Telecommunication Department, the Railway Board had issued instructions to prepare a list of integrated seniority of candidates belonging to four different streams namely, Signal Inspectors Grade-I, Telecommunication Inspector's Grade-I, Shop Superintendents Grade-I and Drawing Office Assistants Grade-I, which constitute the feeder channel for promotion to the level of Assistant Signal and Telecommunication Engineer. In terms of the provision of Rule 203.5 of the Indian Railway Establishment Manual, the integrated seniority of employees from different streams which are eligible for selection, should for purposes of the selection be determined on the basis of total length of non-fortuitous service rendered in grade Rs. 2000-3200 and above. In the present case, however, it was found that all the eligible employees from different streams were promoted to Grade-I i.e. pay scale of Rs. 2000-3200 on the same date, namely 01.01.1984 for the reason that additional additional posts became available on that date as a result of restructuring. The Railways therefore decided that the seniority should be determined by the date of entry in the next lower grade namely Grade-II. Applying this principle, the impugned seniority list has been prepared. The position of the applicants in the seniority list is quite low and they did not fall within the zone of consideration for being called for written examination for promotion on the basis of seniority-cum-suitability to the

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next higher level in pursuance to the Railway's letter dated 20.09.1991. The applicants represented against the list but their representation was turned down by the Railways vide letter dated 24.10.1991 attached as Exhibit 'G'. Hence, the present application.

3. We have heard the first applicant in person and Shri J.G. Sawant, the learned standing Counsel for the Railways.

4. The applicants contend that for preparing the integrated seniority list, the Railways should have taken into account the total length of service from the bottom of the cadre and not the length of service in the next lower grade, namely grade-II. They have adduced a number of grounds in support of their contention. They state that there is no rule which bars taking into account the total length of service from the bottom of the cadre. The integrated seniority list does not represent the stream proportionately. Besides Signal Inspectors belong to safety cadres and Signal Inspectors Grade-II have to undergo prepromotional training before they are considered for promotion to Grade-I and their training got delayed. This is not the position in respect of other streams. According to the applicants, the nature of work of Signal Inspectors is highly sensitive and responsible and that the same cannot be compared with the work of officials in the drawing office or in the telecommunication and it is not correct for the Railways to have equated such different streams with one another.

The applicants also allege that in the Mechanical Department and in the Commercial Department, the seniority was determined on the basis of total length

of service rendered in any of these grades and it is invidious to make a distinction in the present case. They also refer to certain persons in Sl.No. 205 to 211 who were called for written examination while sl. no. 177 to 203 have been left out.

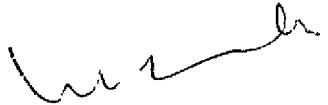
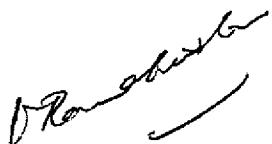
5. The Respondents oppose the application. They state that the principle followed for preparing the integrated seniority list is laid down in the Railway Board's circular, which regulates cases where a number of employees have identical date of promotion to the immediate lower level. They have followed this instruction and they have merely extended the principle contained in Rule 203.5 to the grade below Rs.2000-3200. They have denied the charge of discrimination and have stated that these guidelines are of general application and not limited to the Signal and Telecommunication Department and they are applicable uniformly to all departments and to all selections whenever an integrated seniority list is required to be prepared i.e. of cases where there is provision for persons from different streams of the same department becoming eligible for selection to a higher post. The Railways claim that reference by the applicants to letters dated 31.08.1978 and 26.02.1979 is not relevant, as final orders in this regard have been issued by the Railways in December, 1988 and in the present case the principles contained in the letter dated 22.12.1988 have been adhered to. As regards the contentions of the applicants that persons at sl.no. 205 to 211 have been called for written test while persons from sl.no. 177 to 203 have been left out, the Railways submit that this has been done to implement the directions of C.A.T., Allahabad Bench. Officials at

Sl.No.205 to 211 who have been called for the written test had been selected earlier for the post of Assistant Signal Inspectors and sent for training for a period of 18 months but they were posted against working post as Assistant Signal Inspector by curtailing the training period and they joined the working post with effect from 01.04.1966. They were however assigned the seniority as per the date they would have normally completed training in October, 1966. This was challenged before the C.A.T., Allahabad Bench and the Tribunal had given certain directions vide judgement dated 29.08.1989. This has resulted in a change in their position in the integrated seniority list and accordingly they were called for the written test.

6. The Railways' stand in this case cannot be faulted. In a peculiar situation such as the present one where a number of people were appointed on the same date to grade-I, the Railways have formulated guidelines applying the principles as laid down in Rule 203.5 not only to the immediate lower grade but also to the one below it. This is quite rational and passes the test of reasonableness. The applicants have not shown any rule which requires the total length of service from the bottom of the cadre to be taken into account in a case like this. They have also not been able to show any requirement as per the rules to substantiate the claims that while preparing the integrated seniority list, the different streams forming the feeder channel should get proportionate representation. Their arguments that their work is more sensitive does not by itself support their case that the principle followed by the Railways is

illegal. If the promotion of the applicant to Grade-I was delayed on account of problems in arranging pre-promotional training for them, it is unfortunate but these are incidents of service, which have to be accepted by the Government officials.

8. In the result, we hold that the principles followed by the Railways in preparing the integrated seniority list are quite rational and reasonable and the list does not suffer from any illegality. The application therefore lacks merit and is dismissed with no order as to costs.



(V. RAMAKRISHNAN)
MEMBER (A).

(M.S. DESHPANDE)
VICE CHAIRMAN.