

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.77/2001 IN
OA NO.497/94

DATED:29/1/2002

1. Shri R.G.Pagare & 4 Ors.

... Applicants

V/s.

1. Union of India & 24 Ors.

... Respondents

Coram : Hon'ble Shri Justice B.Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastri, Member (A)

Tribunal's Orders

This CP-77/2001. is filed against improper implementation of the orders passed in OA-497/94 dated 21/7/2000. The operative part reads as follows:-

In the conspectus of facts and circumstances, the application is allowed declaring that against the upgraded posts in the Station Master's cadre in pursuance of the restructuring of the cadre by the Railway Board vide its letter dated 27/1/1993 only the members of the cadre of Station Masters as on 1/3/93 are eligible to be promoted and that the ration 7:3 is not to be adopted in filling up of the upgraded posts in the Station Master's cadre consequent on the restructuring. We set aside the promotion of respondents 3 to 25 by office order No.8/3/94 issued under No.BB/P/558/GT/DY/SS/DY/CYM/MV/TNT/TI dated 18/3/92 declaring it unsustainable in the law and direct the respondents 1 and 2 to fill up all the upgraded posts in the Station Master's cadre in the scale of Rs.1600-2660, only from the staff working in the Station Master's cadre as on 1/3/1993. The above directions shall be complied with within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

2. The respondents have implemented the aforesaid direction vide Exhibit R-1 (page-27 of the CP), 106 Assistant Station Masters have been promoted as Station Masters w.e.f. 1/3/93 in the grade of Rs.1600-2660 (RPS).

...2.

3. The contention of the applicants is that some Station Masters in the grade of Rs.1600-2660 were further promoted by upgradation to the higher scale of Rs.2000-3200 and scale of Rs.2375-3500. Thus, the resultant vacancies which arose in the scale of Rs.1600-2660 ought also to have been filled up from the Station Masters Cadre in addition to the 106 posts which were created through upgradation in the re-structuring process. In short, according to the applicants all the posts in the Station Masters Cadre in the scale of 1600-2660 should have been filled up through Assistant Station Masters.

4. According to the respondents they have complied with the direction given by the Tribunal in that the directions were to fill up all the upgraded posts in the Station Master's Cadre in the scale of Rs.1600-2660 only from the staff working in the Station Masters Cadre as on 1/3/93. There were originally 76 posts of Station Masters in the grade of Rs.1600-2660. 106 posts came to be upgraded to the grade of 1600-2660. Therefore since the direction of the Tribunal was to fill up these 106 posts from the Station Masters' cadre, the respondents have complied with the same by promoting of the Assistant Station Masters to the upgraded posts. There is no reference or direction in the judgement of the Tribunal to fill up the resultant vacancies. Had there been any shortage in the figure of 106 due to resultant vacancies, then it would have been binding on the respondents to fill up those posts through Assistant Station Masters and not otherwise. The respondents deny that any contempt has been made in this matter.

5. The learned counsel for the applicants reiterated the stand that even the resultant vacancies should have been filled up through the Assistant Station Masters.

6. We have heard the learned counsel for both the sides and have given careful consideration to the points made. In our considered view, the Tribunal's direction was very clear that all the upgraded posts in the Station Masters' Cadre in the scale of Rs.1600-2660 should be filled up only from the staff working in the Station Masters Cadre as on 1/3/90. It does not refer to any resultant vacancies arising due to promotion of certain Station Masters from the grade of 1600-2660 to the higher grade of Rs.2000-3200. Therefore the applicants cannot have a claim to the resultant vacancies. We therefore hold that the respondents have complied with the directions of the Tribunal fully and they are not liable to any contempt. Accordingly the contempt proceedings are dropped and the alleged contemnors are discharged. C.P. is dismissed. ^h

CAT/MUM/JUDL/CA.497/1994

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Dated: 15/2/2002

Copy to :-

1. Shri R.D. Deharia, Counsel for Applicant.
2. Shri S.C. Dhawan, Counsel for Respondents.

Recd on 20/2/02
R.D. Deharia
Adv

Section Officer.

Verified true Copy
13/2/02
Section Officer
Central Admn. Tribunal,
Bombay Bench.

Despatched on 20/2/02

20/2/02