

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 518/98

Date of Decision: 11/9/98

Shri Hinaras Laxman Ruke & 14Ors. Petitioner/s

Shri R.D.Decharia Advocate for the
petitioner/s.

v/s.

Union of India & 21 Ors. Respondent/s


Shri V.D.Vadhavkar -R.1 to 3. Advocate for the
Respondent/s


Shri Bodke R-4 & 6,
Shri K.R.Yelwe - R-5,7 to 22.

CORAM:

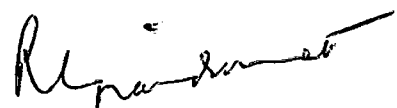
Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member (A)

(1) To be referred to the Reporter or not? 

(2) Whether it needs to be circulated to
other Benches of the Tribunal? 

abp.


(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO.518/98.

DATED THE 11TH DAY OF SEPTEMBER, 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.


Hon'ble Shri D.S.Baweja, Member(A).

- (1) Shri Jinaras Laxman Ruke; Age 35yrs.,
working as Head Cook, Group 'C', under
Chief Catering Inspector, Central Railway,
Mumbai C.S.T., R/o.Rly.Quarter K/18,
Curry Road, Mumbai pin - 400 013.
- (2) Shri Bhimnath Gunaji Gaht; Age 38yrs,
working as Head Cook, Group 'C',
Head Quarter Office, C.S.T., C.Rly.,
Mumbai C.S.T., R/o.Rly.Quarter,
RB II-A-4, Rly.Quarters, Tadiwala Road;
Near Pune Railway Station, Pune.
Dist. PUNE(M.S).
- (3) Shri Ramprasad Thakur; Age 45yrs,
working as Head Cook, Group 'C',
Head Quarters Office, C.C.I., C.Rly,
Mumbai C.S.T., R/o.Jaijawan Nagar,
Chandni Chowk, Survey No.14,
Yerawada (Pune) Pune (M.S.).
- (4) Shri Srinivas Naidu S Babu, Age 57yrs,
working as Head Cook under
Chief Catering Inspector, C.Rly,
Mumbai C.S.T., R/o Teesgaon Road,
Marwadi Chawl, Room No.1,
Kalyan (East) (M.S.)
- (5) Shri Narayan Taniya Shetty; Age 50yrs,
working as Head Cook under
Chief Catering Inspector, C.Rly.,
Mumbai C.S.T., R/o.Heera Panna,
Building Room No.103, First Floor,
B.P.Road, Bhayender(East)?Mumbai.
- (6) Shri M.Eishi Babu Mauthi, Age 40yrs,
working as Head Cook, Head Quarters
Office, C.C.I., C.Rly, Mumbai C.S.T.,
R/o.Railway Quarter No.SS/RB I/559/C-28
Tadiwala Road, Near Pune Rly.Station,
Pune Dist-Pune (M.S.)
- (7) Shri Mohimuddin Musa, Age 45yrs,
working as Head Cook, Head Quarters
Office, C.C.I., C.Rly, Mumbai C.S.T.,
R/o.Shammi Chawl Village Dongri,
Near the side of Navrang Talkies,
J.P.Road, Andheri(West), Mumbai - 400 058.
- (8) Shri Rajaram Shripati Jadhav, Age 33yrs,
working as Head Cook, Rly. Station Pune,
R/o. Gajanan Nagar, New Sanjiwani,
Pune (M.S.)



- (9) Shri Balkrishna Gaibilal Upadhyaya, Age-48yrs, Senior Cook under Chief Catering Inspector, C.Rly, Mumbai CST, R/o.Gayatri Apartment, Durga Mata Mandir Road, Kolsawadi, Room No.10, Kalyan (East) Dist.Thane (M.S.).
- (10) Shri Gulab Abdul Sheikh, Age 44yrs, working as Senior Cook under Chief Catering Inspector, C.Rly, SAI SADAN Chawl, Near Patripul, Tata Power House Road, Kalyan(East), Dist.Thane.
- (11) Shri Sunder Oniya Shetty, Age 57yrs, working as Senior Cook, under Chief Inspector, C.Rly., Mumbai C.S.T., R/o.Karn Kundi Building, Room No.1, Shivaji Nagar, First Floor, Mulund, Check Naka, Mulund(West) Mumbai.
- (12) Shri Devdas Nadar Jacob, Age 35yrs, working as Senior Cook, under Chief Catering Inspector, C.Rly, Mumbai C.S.T., R/o.Dattakripa Chawl, Room No.5, Krishna Nagar, Near Patripul, Tata Power House Road, Kalyan (East).
- (13) Shri P.Kandha Swamy, Age 52 yrs, working as Senior Head Cook under Chief Catering Inspector, C.Rly, Mumbai C.S.T., R/o Samta Colony, Room No.26, Beside Rly.Station, Ulhasnagar, Camp No.4, Ulhasnagar, Dist.Thane(M.S.).
- (14) Shri Krishna Anand Shelar, Age 48yrs, working as Senior Cook, under Chief Catering Inspector, C.Rly, Mumbai C.S.T., R/o.John Pareira Chawl, Room No.11, Naan Dongri, Tanaji Nagar, Malad(East) Mumbai-400 001.
- (15) Shri Khemchand Panchu Kushwaha, Age 38yrs, working as Senior Cook under Chief Catering Inspector, C.Rly., Mumbai C.S.T., R/o.Dilip Nakwa Chawl, Midh Bandar Road, Thane(East)Mumbai. ... Applicants.
- By Advocate Shri R.D.Deharia,

v/s.

- (1) Union of India, through the General Manager, Central Railway, Mumbai C.S.T., Mumbai - 400 001.
- (2) The Chief Personnel Officer, Head Quarter Office, C.Rly, Mumbai C.S.T., Mumbai - 400 001.
- (3) The Divisional Railway Manager, Divisional Office, C.Rly, Mumbai C.S.T., Mumbai - 400 001.
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- (4) Shri T.Mani, Catering Manager,
working under Chief Catering Inspector,
C.Rly, Mumbai C.S.T., Mumbai.
- (5) Shri R.G.Naik, Catering Manager,
working under Chief Catering Inspector,
C.Rly, Mumbai C.S.T., Mumbai.
- (6) Shri S.Hariharan, Catering Manager,
working under Chief Catering Inspector,
C.Rly, Pune (M.S.).
- (7) Shri S.Gururaj, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (8) Shri C.P.Varghees, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (9) Shri K.Mulya, Catering Manager,
working in Head Quarters Office,
C.Rly., Mumbai C.S.T., Mumbai.
- (10) Shri P.M.Muthu, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (11) Shri A.M.Mhatre, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (12) Shri M.N.Deshpande, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (13) Shri Vinayak Bhise, Catering Manager,
Working under Chief Catering Inspector,
C.Rly, Mumbai C.S.T., Mumbai.
- (14) Shri D.Pattoo, Catering Inspector,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (15) Shri U.D.Khade, Catering Inspector,
working under Chief Catering Inspector,
C.Rly, Pune (M.S.)
- (16) Shri R.Palani, Catering Manager,
working under Chief Catering Inspector,
C.Rly, Dadar, Mumbai (M.S.)
- (17) Shri V.Shridharan, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Pune (M.S.)
- (18) Shri P.M.Mascarenhas, Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (19) Shri P.A.Kuberan (SC), Catering Manager,
working under Chief Catering Inspector,
C.Rly, Mumbai C.S.T., Mumbai.



- (20) Shri Ramkumar Pardeshi (SC),
Catering Manager working under
Chief Catering Inspector, C.Rly.,
Mumbai C.S.T., Mumbai.
- (21) Shri D.B.Ohal(SC), Catering Manager,
working under Chief Catering Inspector,
C.Rly., Mumbai C.S.T., Mumbai.
- (22) Shri A.R.Arde(SC), Catering Manager,
working under Chief Catering Inspector,
C.Rly., Dadar, Mumbai. ... Respondents.
- By Advocate Shri V.D.Vadhavkar - R-1 to 3.
Shri Bodak for - R-4 & 6
Shri K.R.Yelwe - R-5, 7 to 22.

I O R D E R I

I Per Shri R.G.Vaidyanatha, Vice Chairman I

1. In this application, the applicants ^{who} are working as Head Cooks/Senior Cooks ^{have} challenged the action of the Railway Administration in not giving them opportunity for being considered for promotion to the post of Catering Inspector. The official respondents and some of the private respondents have filed their reply opposing the application. We have heard both sides.

The applicants' case is that Senior Cooks/Head Cooks ^{have} has no avenue of promotion and then ^{the} new channel of promotion was created by Railway Administration as per letter dated 3/12/97 enabling the applicants for being considered for promotion to the post of Catering Inspector Grade-II. As per this letter 20% of the vacancies to be earmarked from the cadre of Head Cooks. But when the administration took up the action for ^{promotion} consideration, Head Cooks were not considered. The applicants are challenging the action of the Railway Administration.

2. The stand of the official respondents and the private respondents is that a decision taken as conveyed in the letter dated 3/12/97 has been subsequently modified and reviewed after consulting with the two Railway Unions and fresh instructions ^{have} has been given as per letter dated

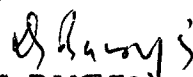


6/4/98. It is however ^{their} the case that Head Cooks are not ~~only~~ stagnating in the present post and they have been given one more avenue of promotion on the recommendation of the 5th pay commission and necessary order has been issued which is dated 10/5/98.

3. After hearing both the sides and perusal of the records, we find that the earlier decision of the Railway Administration as per letter dated 3/12/97 that the Head Cooks should be given a chance of 20% ^{promotion} to the grade of Catering Inspector Grade-II was reviewed and changed subsequently after consulting both the unions. As per papers produced by learned counsel for official respondents, ~~said this~~ ^{took place} decision to review the earlier order within 15 days after 3/12/97. But a second notification has been issued on 6/4/98 and as per that letter the previous letter dated 3/12/97 has been reviewed and the direction is given ^{that} promotion to be done as per the existing avenue of promotion. In view of this letter, the earlier decision conveyed in letter dated 3/12/97 has been reviewed and therefore the applicants cannot claim any rights in the light of letter dated 3/12/97. The stand has been further clarified vide letter dated 10/5/98 which is issued on the basis of the 5th pay commission report providing one more avenue of promotion to Head Cooks as Master Cooks equivalent to Catering Inspector Grade-II.

4. In these circumstances, we find that the applicants have no case ~~or~~ to admit the application or to continue the exparte Interim Order. The earlier granted exparte Interim Order and subsequently modified Interim Order is hereby vacated.

5. In the result, OA is disposed of at the admission stage with no orders as to costs.


(D. S. BAWEJA)
MEMBER(A)

abp.


(R. G. VAIDYANATHA)
VICE CHAIRMAN