

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH  
JAIPUR.

O.A.No.780/92

Dt. of order: 3.2.1994

P.C.Sharma & Ors.

: Applicants

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicants

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.O. P. SHARMA, ADMINISTRATIVE MEMBER.

Applicants P.C.Sharma and 15 others have filed this application under Sec.19 of the Administrative Tribunals Act, 1985, praying that the respondents may be directed to fill-up the post of Senior Draftman provisionally on the basis of seniority cum suitability till reclassification of the said post is finalised and appropriate syllabus/training is prescribed. They have further prayed that the respondents may be restrained from finalising the selection under order dated 12.11.87 (Annx.A-1) till the reclassification of the post of Senior Draftman.

2. The facts of the case according to the applicants are that originally i.e. prior to 1.1.1986, channel of promotion on posts in the Drawing Office of the Railways was as under:

- i) Tracer Scale Rs.260-430(R)
- ii) Junior Draftman " 330-560(R)
- iii) Senior Draftman " 425-700(R)
- iv) Head Draftmen " 550-750(R)
- v) Chief Draftman " 700-900(R)

The post of Tracer has been "frozen" in accordance with the Railway Board's letter dated 25.6.85. In other words from that date the first post in the Drawing Office will be that of Junior Draftman which will be a post now/filled to be

up by direct recruitment. Every alternate post in the Drawing Office, is to be filled-up by seniority cum suitability. Earlier when the post of Tracer was to be filled up by selection by direct recruitment, the post of junior Draftman was therefore to be filled-up by seniority cum suitability, i.e. on a non-selection basis. Now/ the post of Junior Draftman has become the first post in the Drawing Office to be filled-up on the basis of selection by direct recruitment, the post of Senior Draftman is to be filled-up by seniority cum suitability i.e. on a non-selection basis.

3. The applicants' case is that after the post of Tracer was frozen, appointments to the post of Senior Draftmen were made on ad hoc basis till the finalisation of the procedure for filling-up the said post. However, according to the scheme the said post is to be filled-up on the basis of seniority cum suitability, i.e. on non-selection basis. That is why the applicants have prayed that the respondents may be directed to fill-up the post of Sr.Draftman provisionally on the basis of seniority cum suitability till reclassification of the said post is finalised and appropriate syllabus/training therefor is prescribed.

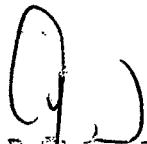
4. During the arguments the learned counsel for the applicants stated that the scales of the posts in the Drawing Office mentioned above were those prescribed before the recommendations of the Fourth Pay Commission were implemented. With effect from 1.1.86, the scales of these posts have been revised. New scale corresponding to the old scale Rs.425-700(R) is Rs.1400-2300. The applicants are, therefore, entitled to be placed into this scale on the basis of their seniority cum suitability i.e. on a non-selection basis. If reclassification about how the posts are to be filled-up has not yet been made, the applicants may be granted appointment to the post of Sr. Senior Draftman scale Rs.1400-2300 on a provisional basis,

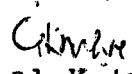
and thereafter on reclassification, on a regular basis. At present, according to him all the applicants are working as Senior Draftman on ad hoc basis and therefore, they have prayed for regularisation on the said post.

5. No reply has been filed on behalf of the respondents. The learned counsel for the respondents has drawn our attention to Annx.A-6 which is titled "recruitment rules for the posts in the Drawing Office of Ministry of Railways (Railway Board)." According to him, this is the classification made by the Railway Board for the purpose of filling-up these posts. It is seen that the second post mentioned in the said classification is that of Draftman 'A' and the third post mentioned is that of Sr. Draftman. The post of Draftsmen 'A' carrying scale of pay Rs.1400-2300 is stated to be a non-selection post and that of Sr.Draftsman carrying scale of pay Rs.1600-2660 is stated to be a selection post. Thus according to him the post of Sr.Draftsman is a selection post even under the re-classification and therefore, the applicants are not entitled to be appointed to the said post on the basis of seniority cum suitability alone. The learned counsel for the respondents has added that in 1987 before this re-classification made as per Annx.A-6 w.e.f. 1.11.91, the post of Sr.Draftsman was to be filled-up on the basis of selection. The applicants were asked to appear for the selection but they declined to do so. Therefore, they are not entitled to the relief sought by them at this stage. Further, according to him certain persons had appeared for selection for the post of Senior Draftsman in 1987. On 29.12.87, an ad interim order was issued by the Tribunal restraining the respondents from declaring the result of the said selection. The rights of those persons, according to the learned counsel for the respondents, who <sup>may to be</sup> have declared successful in the said selection cannot be affected now.

6. We have heard the learned counsel for the parties and have gone through the records. With the freezing of the post of Tracer, the first post on which recruitment would take place in the Drawing Office is that of Junior Draftsman. If this would be a selection post now, logically the next post i.e. Senior Draftsman should be filled-up by seniority cum suitability, i.e. on a non-selection basis. When we go through the re-classification made as per Annx.A6 w.e.f. 1.11.91, we find that the first post now designated is Draftsman 'B' scale Rs.1200-2040, which is the scale equivalent to that of Junior Draftsman earlier placed in the pay scale Rs.330-560. The second post in the said reclassification in Annx.A-6 is that of Draftsman 'A' carrying scale of pay Rs.1400-2300; the equivalent scale earlier was given to Sr.Draftsman Rs.425-700(R), before revision w.e.f. 1.1.1986. The third post now as per Annx.A-6 is that of Sr.Draftsman carrying scale of pay Rs.1600-2660, the equivalent scale earlier being that of Head Draftsman Rs.550-750(R). Thus the factual position has emerged is that the post which was earlier described as Senior Draftsman scale Rs.425-700(R) has now/redesignated as that of Draftsman 'A' in the scale of pay Rs. 1400-2300. This post to be filled-up on a non-selection basis according to the re-classification Annx.A-6 w.e.f. 1.11.91. The applicants are at present working on this scale on an ad hoc basis. They seek regularisation on this scale on the basis of seniority cum suitability without having undergone the process of selection, on the basis of the classification made in Annx.A-6 and the scale prescribed therein for Draftsman 'A' on a regular basis in scale Rs.1400-2300 if they are found suitable by the Selection Committee as per the procedure prescribed in column 12 of Annx.A-6.

7. We, therefore, direct the respondents to consider the cases of the applicants for regularisation/promotion to the post of Draftsman 'A' scale Rs.1400-2300 in accordance with the procedure prescribed in Anx.A-6. Since the reclassification has been prescribed w.e.f. 1.11.1991 only, naturally the applicants will be entitled to the benefit of appointment on regular promotion to the said post from a prospective date. The interim order issued on 29.12.87 is vacated. Necessary action as directed shall be taken by the respondents within a period of 4 months from the date of the receipt of a copy of this order. The O.A. is disposed of accordingly with no order as to costs.

  
(O.P.Sharma)  
Member(A).

  
(Gopal Krishna)  
Member(J).