

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.825/92

Dt. of order: 19.11.93

Gulab Chand & Ors. : Applicants

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicants

Mr.S.S.Hassan : 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, MEMBER(ADM.).

Applicants Gulab Chand and 10 others have filed this application under Sec.19 of the A.Ts Act, 1985, praying that the respondents may be directed to treat the applicants promotion to the post of Senior Draftsman on regular basis under upgradation scheme w.e.f. 1.1.84 or from such date as may be deemed appropriate by the Tribunal.

2. Applicants No.1 to 4 were working on the post of Junior Draftsman and rest of the applicants were working as Tracers, before 1.1.'84. With effect from 1.1.84, a cadre review and re-structuring scheme was introduced as a result of which, inter alia the post of Tracer was frozen and all the officials working as Tracers on that day, who had completed 5 years service as Tracers on that date were upgraded as Junior Draftsman. Subsequently, all the applicants have been promoted as Senior Draftsman scale Rs.425-700/1400-2300, on ad hoc basis. The case of the applicants is that the post of Senior Draftsman is a non-selection post and therefore, once they have been upgraded for the post of Senior Draftsman, they should not be treated as having been promoted to the post of Senior Draftsman on ad hoc basis.

3. We have heard the learned counsel for the parties and have perused the record. The learned counsel for the applicants stated during the arguments that regardless of whether the post of Senior Draftsman is to be filled-up on the basis of selection or otherwise, instructions of the Railway Board contained in letter No.PC III/84/UPG/19 dated 25.6.85 at Annx.A-2, will be applicable. The relevant instructions contained in para 5.1 of the said letter are reproduced below:-

"The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a 'Selection' post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva-voce test. Under this procedure, the categorisation 'outstanding' will not exist."

4. The learned counsel for the applicants has pleaded that the cases of the applicants should be examined in the light of these instructions and thereafter promotion be granted to the applicants to the post of Senior Draftsman on a regular basis. The request of the learned counsel for the applicant in this regard is eminently reasonable.

5. We direct the respondents to examine the cases of the applicants in the light of the instructions reproduced above and thereafter grant them promotion to the post of Senior Draftsman on regular basis subject to their eligibility. The respondents shall take necessary action in the light of these directions within 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)

G.Krishna
(Gopal Krishna)
Member (J).