

(39)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.52/90.

Date of Judgement : 22.9.93

1. P.Laxman Rao
2. P.Mrutyujavali
3. O.Yedukondalu
4. Ch.V.Satyanarayana
5. P.Devanand
6. P.V.Prabhakar Rao
7. Ch.Bhavannarayana
8. A.V.Vara Prasad
9. V.Raju
10. V.Poornachandra Rao
11. Ch.V.Subbaiah
12. N.S.N.Brahma Chary
13. R.S.C.Bose Babu
14. P.Sambasiva Rao
15. T.Ramesh Babu
16. M.Baburao
17. K.Madhava Rao
18. L.Chandrasekhar Rao
19. B.Venkateswarlu
20. K.Prasad
21. B.Paparao
22. A.Satyanarayana
23. B.Parvatheesam
24. V.Ravindrababu
25. K.Nagabhushanam
26. V.V.Krishna Rao .. Applicants

Vs.

1. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. Dy. Chief Mechanical Engineer,
Guntupalli Wagon Workshop,
Guntupalli,
Krishna District. .. Respondents

Counsel for the Applicants :: Shri S.Laxma Reddy

Counsel for the Respondents:: Shri N.R.Devaraj, SC for Rlys.

CORAM:

Hon'ble Shri A.B.Gorthi : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

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J U D G E M E N T

I As per Hon'ble Shri A.B.Gorthi : Member(A) I

All the 26 Applicants herein claim that they should have been promoted to the next higher grade w.e.f. 1.1.84. During the hearing of the case, with the consent of the learned counsel for the Applicants, the scope of the application was restricted to Applicants No.3 to 26 only as the date of their promotion to Skilled Grade II Welder is the main issue.

2. Consequent to the re-classification of the artisan staff in the Railways which became effective from 1.8.78, the strength of Skilled Staff in the Welding Trade was increased to 217 as per details given below:-

(a)	Skilled Gr.I	33
(b)	" Gr.II	41
(c)	" Gr.III	143
	Total.	<u>217</u>

3. The Applicants contend that due to increase in the production in the Wagon Workshop the strength of Skilled Grade Staff was further increased. Moreover, the ratio of distribution of the three grades was changed from 20 : 25 : 55 to 30 : 35 : 35 as amongst Grade I, II and III w.e.f. 1.1.84. As a result, the strength of Skilled Grade Staff was increased to 238 and the authorised number of posts of Gr.II Welders went up to 84. The Respondents promoted 37 Gr.III Welders to Gr.II w.e.f. 1.1.83 and out of the remaining 47 vacancies, only 19 were promoted w.e.f. 1.1.84 by the impugned order dt. 23.8.89, whereas in the same order w.e.f. 1.1.84 the Applicants too ought to have been promoted/ as there were still 28 vacancies left. The Applicants are those whose names figure just below those who were promoted as Gr.II Welders w.e.f. 1.1.84.

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4. The Respondents admit that due to upgradations from 1.8.78, the strength of the Skilled Grade Welders was increased to 217. On account of re-classification of Skilled Grade Welders introduced w.e.f. 1.4.83, the strength of Welders Gr.II was increased from 41 to 54. Thereafter, due to increase in the production, there was an increase in the posts of Skilled Grade Artisans, but keeping in view the requirement of artisans in various trades, the size of Skilled Grade Welders was brought down as under:-

(a) Skilled Gr.I	37
(b) " Gr.II	47
(c) " Gr.III	103
Total.	<u>187</u>

5. With the introduction of re-classification ~~.....~~ retrospectively from 1.1.84, and the change in the ratio between the three grades, the strength of Welders in all the three grades was as under:-

(a) Skilled Gr.I	56
(b) " Gr.II	65
(c) " Gr.III	65
Total.	<u>186</u>

Consequently, in Gr.II, 18 vacancies became available due to re-classification and 19 more vacancies came up due promotion of Gr.II Welders to Gr.I. Thus, a total of 37 vacancies only were available to be filled up from 1.1. and not 87 as contended by the Applicants. The Respondent thus contend that while all those senior to the Applicants could be given the benefit of promotion w.e.f. 1.1.84,

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the Applicants could be promoted only against the vacancies which came up later. The Respondents thus contend that neither any of those junior to the Applicants were promoted nor the Applicants were wrongly denied promotion w.e.f. 1.1.84.

6. From the foregoing it would be evident that what is in dispute is the number of vacancies available to be filled up w.e.f. 1.1.84. The Applicants expected, though rightly, that the number of posts in the Welding Trade also would have been increased due to the increased output in the Wagon Workshop. They were perhaps not aware that the Respondents reduced the size of the Welders in all the three grades. It is settled law that it is exclusively for the organisation to determine which post to be created and which to be abolished or which posts should be increased and which to be decreased. So long it is done bona fide and in organisational interests, it is not open for scrutiny by the Tribunal.

7. In the result, we find no merit in the application, which is hereby dismissed. No costs.


(T. Chandrasekhara Reddy)
Member (J).


(A.B. Gorthi)
Member (A).

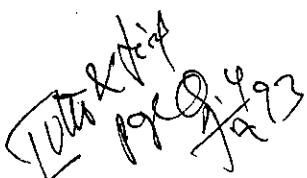
Dated: 22 Sept., 1993.


Deputy Registrar (J)

To br.

1. The Chief Personnel Officer, S.C.Rly,
Railnilayam, Secunderabad.
2. The Deputy Chief Mechanical Engineer, Guntuaplli Wagon workshop,
Guntupalli, Krishna Dist.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, SC for Rlys.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)
AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 22-9-1993.

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

in

O.A.No. 52190

T.A.No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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