

89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.234/91.

Date of Judgement 25.1.1993.

1. S.R.Reddy
2. A.Balasubramaniyan
3. G.Venkat Raj
4. JDVS Ramachandra Rao
5. S.V.Sharma
6. G.Appa Rao
7. S.R.Biligiri
8. K.Satyanarayana
9. E.Venkata Rao
10. G.Siddaiah
11. T.Ratnam
12. N.S.Vigneswaran
13. D.V.S.Raju
14. R.Lakshmaiah
15. K.V.Ranga Rao

.. Applicants

Vs.

1. Union of India,
Rep. by Chairman,
Railway Board,
Rail Bhavan,
New Delhi-110001.

2. Member-Staff,
Railway Board,
Rail Bhavan,
New Delhi-110001.

3. Member, Electrical,
Railway Board,
Rail Bhavan,
New Delhi-110001.

.. Respondents

Counsel for the Applicants : Shri G.Ramachandra Rao
(Not present)

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys. &
Shri G.Raghuram

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

判决 as per Hon'ble Shri R.Balasubramanian, Member(A)

This application is filed by Shri S.R.Reddy & 14 others
against the Union of India, Rep. by Chairman, Railway Board,
Rail Bhavan, New Delhi-110001 & 2 others under section 19
of the Administrative Tribunals Act, 1985. The prayer herein
is for a direction to the respondents to consider the cases.

of the applicants for appointment to the posts of Group-A Junior Scale of Indian Railway Service of Electrical Engineers from the dates when they became eligible for the same in the years 1984-85 by reviewing all the appointments made from that date after preparing and publishing the seniority lists of Group-B services of Electrical Engineers working in all the Zonal Railways and other units. Consequential benefits are also sought for.

2. The applicants are now working on adhoc basis as Electrical Engineers in Group-A of Senior Scale at various places in the South Central Railway. Their substantive posts are Asst. Electrical Engineers in the South Central Railway which belong to Group-B. This is the highest post in Group-B of the Zone. The applicants have been promoted to Group-A Senior Scale on adhoc basis on different dates between 1984 and 1989. The next regular promotion from Group-B is to the Group-A Junior Scale of Indian Railway Service as Electrical Engineers. Recruitment to this service is on 60% by direct recruitment and 40% by appointment by selection on merit from Group-B officers of the Electrical Engineering Department. As per Rule 209(A) of the Indian Railway Establishment Code Vol.I, all substantive promotions to Railway Services Group-A shall be made by the President of India. It is stated that from the year 1984 when some of the applicants became eligible for consideration for promotion till 20.9.90 the respondents have issued orders on 11 occasions appointing Group-B officers of the various Zonal Railways to the Group-A Junior Scale. It is stated that out of this only 5 officers of Group-B services of the Electrical Engineering Department in the South Central Railway were appointed to Indian Railway Service of Electrical Engineers Junior Scale / Group-A, whereas much larger number of Group-B officers have been appointed to Group-A Junior Scale of other Railways. It is also stated that officers who were promoted to Group-B

(a)

in other Zones later than some of the applicants have been appointed to Group-A Junior Scale earlier than the applicants. The applicants attribute such anomalies mainly to the fact that promotion from Group-B to Group-A Junior Scale are made on a Zonal Railway basis. It is their contention that Group-A services even in Junior Scale should be treated as on All India basis instead of on Zonal Railway basis. Their representations not having borne any fruit, this O.A. has been filed.

3. The respondents have filed a counter affidavit opposing the application. It is stated that vacancies earmarked against the 40% departmental promotion quota are distributed amongst various Zonal Railways and Production Units according to rosters prepared from time to time and on the basis of their cadre strengths in Group-A. It is their case that since very few posts could be allocated to the South Central Railway the promotional prospects of Group-B officers of the South Central Railway are also restricted.

4. We have examined the case and heard the rival sides. Shri G. Ramachandra Rao argued the case for the applicants and Shri N.V. Ramana in the earlier stage and Shri G. Raghuram ~~at~~ in the latter stage argued the case for the respondents. The main question to be resolved is whether Group-A Junior Scale in the Electrical Engineers' service is an All India service or Zonal service. While ~~G.~~ Ramachandra Rao contends that it should be treated as an All India service, Shri ~~G.~~ Raghuram's contention is that it is a Zonal service. The course followed by Shri G. Ramachandra Rao to emphasise that the Group-A Junior Scale should be an All India cadre relied on paras 103, 106, 107, 108, 208, 209(A)&(B) and 214 of the Indian Railway Establishment Code Vol.I. The contention was that the involvement of the U.P.S.C. in the selection of Group-B officers to Group-A Junior Scale and the President being the appointing authority, the Group-A Junior Scale has ~~to~~ to be treated as an

All India service. Against this, Shri G.Raghuram also referred to paras 103, 106, 107, 108 and in addition para 111. He highlighted particularly sub-para 1 of para 111 according to which separate cadres shall be maintained for each Indian Railway (Zone). Cadre is defined in sub-para 7 of para 103 as the strength of a service or a part of a service like Indian Railway Service of Electrical Engineers sanctioned as a separate unit. He laid stress on the mention of separate cadres ~~for~~ ^{for} each Railway and wanted us to treat Group-A Junior Scale as a Zonal cadre. These arguments do not point to anything conclusive. The service concerned is Indian Railway Service of Electrical Engineers. There are no such services like Southern Railway ~~of~~ Electrical Engineering Service, Western Railway ~~of~~ Electrical Engineering Service etc. At the same time it cannot be automatically taken that Group-A Junior Scale belongs to an All India cadre for the reason that the President is the appointing authority and the U.P.S.C. is involved in the selection. The description of the service as 'Indian' would not also indicate that it is an All India service. The Indian Administrative Service is ~~not~~ ^{functionally} a State cadre. In the case of the Railways too, the direct recruits to Group-A Junior Scale are, on selection, allotted to the Zonal Railways. They are Zone based even upto the Senior Scale of Group-A. No rule was shown to us that as a prelude to selection to Junior Scale of Group-A, a seniority list of Group-B officers on an All India basis should be prepared. From the available arguments and material we could not ^{reasonably conclude} whether the Junior Scale of Group-A should be Zonal or on All India basis. Therefore, we have to consider the prayer in the O.A. from a different angle.

5. Before going into the question of legality or otherwise of the action of the Railways in treating Group-A Junior Scale

as a Zonal cadre it would be helpful to study the special nature of services in the Railways vis-a-vis the other Central Government Departments.

(a) Unlike other organised services like the Postal, Telecommunications, C.P.W.D., Incometax etc., which had been Government Departments for long years even during the English regime, the Railways were being operated by private companies like G.I.P. Railways, B.B.C.I. Railways etc. It was only after the Government take over after independence that these were regrouped into several Zonal Railways. The historical background and the administrative structure of the Railways are different from those of the other Government Departments.

(b) The Railways, unlike the other Central Government Departments cited earlier have their own budget. The Railway Board has separate rule making powers. Some of their Service rules and regulations are different from other departments. For instance, in promotions from Senior Time Scale in Group-A to Junior Administrative Grade while in the case of other departments the U.P.S.C. is associated, in the case of Railways it is only the Railway Board that does the selection and the U.P.S.C. is not on the scene.

(c) While ~~the~~ other Government Departments treat Group-B itself as an All India cadre, the Railways have been confining even Senior Scale in Group-A to the Zone. This is stated to be going on since the inception of the 'Indian' services.

(d) The sheer size of the Railways is another point to be noted. Some of the zones ^{themselves} are even bigger than many of the Government Departments in terms of financial outlay and manpower.

6. It is for the above reasons that, if what is followed in the Railways is not in line with what is adopted in the other Central Government Departments, we cannot see such a

OPM

difference as ^u manifestation of arbitrariness. The administrative structure of any department of the Government is a matter to be decided by that department to suit their requirements. Across the bar we were informed categorically and repeatedly that right from the formation of the various Zones not only the Group-A Junior Scale but even the Senior Time Scale of Group-A have been treated on a Zonal basis. Such being the case, we ~~see~~ no arbitrariness in the Railways restricting staff matters in Group-A Junior Scale to the Zone. Courts can interfere only if arbitrariness or illegality ^{is} seen in the procedure/practice adopted by the Government. In the case before us, neither is noticed. The learned counsel for the applicant had cited a number of citations. We have seen those. The facts of the case are different from those and we do not get much help from those citations in deciding this case. We are not inclined to interfere in the case. We, therefore, dismiss the application with no order as to costs.

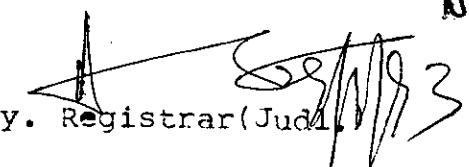
R. Balasubramanian

(R. Balasubramanian)
Member (A).

MS Roy
(C. J. Roy)
Member (J).

Dated: 25th January, 1993.

Dy. Registrar (Judl.)



Copy to:-

1. Chairman, Railway Board, Union of India, Rail Bhavan, New Delhi.
2. Member-Staff, Railway Board, Rail Bhavan, New Delhi-001.
3. Member, Electrical, Railway Board, Rail Bhavan, New Delhi-0
4. One copy to Sri. G. Ramachandra Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Ramana, SC for Railways, CAT, Hyd.
6. One copy to Deputy Registrar (Judl.), CAT, Hyd.
7. Copy to Reporters as per standard list of CAT, Hyd.
8. One spare copy.

Rsm/-

*52-1002
29/1/83*

0.A.234/9

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)
AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND
THE HON'BLE MR. C. J. Roy J.M.

DATED: 25/1 - 1993

ORDER/JUDGMENT:

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

in
234/91
M.A. No.

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

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

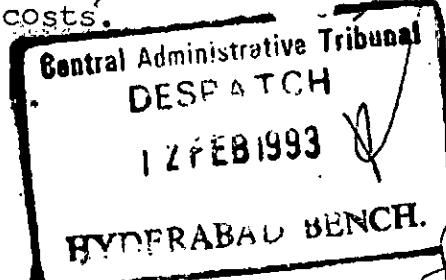
Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.



pvm