

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

Ub

ORIGINAL APPLICATION NO.764/91

DATE OF JUDGEMENT: 23-3-1993

Between

1. S.C.Basavaiah
2. P.L.Narasimharao
3. D.Jagannath
4. P.Venkateswarlu
5. Mohammed Zaheeruddin
6. B.Bojana
7. Benhur Luke
8. N.V.Jayaprakash
9. Shaik Ayub

.. Applicants

and

1. Secretary,
Min. of Transport,
Dept. of Railways,
Railway Board,
New Delhi
2. The Chairman
Railway Board
Rail Bhavan
New Delhi

.. Respondents

Counsel for the Applicants

: Mr N.Ram Mohan Rao

Counsel for the Respondents

: Mr V.Bhimanna, SC for
Rlys

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

JUDGEMENT

This application is filed by the applicants herein under Section 19 of the Administrative Tribunals Act to declare that the applicants are also entitled to the teaching incentives granted to them through the proceedings No.E/MPP/36/13/2 dated 23.3.89 of the first respondent with effect from 1.1.1986 on the same lines as was granted to the Gazetted Faculty Members with all consequential benefits and to pass such other order

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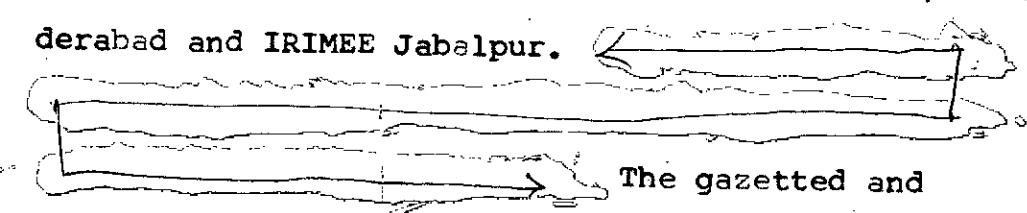
or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief may be stated as follows:

3. The applicants herein are working as Instructors in the Zonal Training School, Moulali Secunderabad, under the Administrative control of the South Central Railway, Secunderabad. The Head of the Zonal Training School, Moulali is its Principal. There are five All India Training Institutes for imparting training to the Group 'A' Officers of the Indian Railways and they are:-

1. Railway Staff College, Vadodara
2. Indian Railway Institute of Signal Engineering and Telecommunication, Secunderabad
3. Indian Railways Institute of Mechanical and Electrical Engineering
4. Indian Railways Institute of Civil Engineering, Pune
5. Indian Railway Institute of Electrical Engineering Nasik.

These five institutions are directly under the control of Railway Board. In Group 'A' training Institutes all the instructors are Gazetted Officers except a few non-gazetted instructors, who are at IRISET/Secunderabad and IRIMEE Jabalpur.

 The gazetted and

non-gazetted instructors in these institutes impart training to Group 'A' officers also as well as to Group 'C' trainees. For imparting training to officers including  senior officers in Group 'A'

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very high efficiency calibre and good command over the subject and training ability are required and the non-gazetted and gazetted instructors having the said qualifications/qualities are selected from Railways on All India basis.

4. Each zonal railway has its own zonal training school for Group 'C' employees. ^{***} These Institutes are directly under the control of the Zonal Railways.

5. The Govt. of India, Min. of Personnel in OM No.12017/2/86-Trg(TNP) dated 7.2.86 issued guidelines for improvement in service conditions of the faculty members of the training institutions under the control of the different Ministries/Departments so as to attract the best trainer talent. The scheme under these guidelines was not made applicable to all training institutes but only to Training Institutes meant for Group 'A' Officers. The relevant para reads as follows:

"Keeping in view the various constraints, it might not be feasible to take up all the training institutions simultaneously for the purpose in mind. Therefore, any incentive scheme that may be drawn up should cover the training institutes meant for Group 'A' officers in the beginning and gradually extended to others."

The OM further stipulates that the incentives under the scheme will take effect from 1.1.1986 for the institutes which were covered. Initially four Group 'A' institutions were covered. The fifth at Nasik was covered subsequently.

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6. In the IRISET, Secunderabad, which is a Group 'A' All India Training Institute, there were some non-gazetted trainers also. Therefore, though they were non-gazetted, their case was considered subsequently ~~on~~ par with those who gave training to Group 'A' officers as also to non-gazetted trainees, and they were also given training allowance from 1.1.1986 vide Railway Board letter dated 14.2.90. Keeping in view the guidelines issued by the Ministry of Personnel regarding the economic constraints, the Railway Board had subsequently taken a decision to extend the incentive scheme to other training institutes also. The other training institutes are Zonal Training Institute under the control of the Zonal Railways, imparting training to Group 'C' employees. Accordingly, the Railway Board in their letter dated 28.3.89 granted similar benefits to the ~~trainers~~ gazetted/non-gazetted in the Zonal Training Institutes of the Railways and the benefit was to take effect from 1.4.89 for such of those employee who fulfilled the norms for eligibility.

7. As already pointed out, as gazetted ~~trainers~~ and non-gazetted ~~trainers~~ in Group 'A' Institutes had been given training incentives w.e.f. 1.1.86, it is the case of the applicants herein who, as already pointed out, are instructors in Group 'C' Zonal Training institute that they are also entitled for ~~the~~ incentives w.e.f. 1.1.86 as in the case of gazetted and non-gazetted

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trainers in Group 'A' Training Institutes. Hence, the present OA is filed for the relief(s) as already indicated above.

8. Counter is filed by the respondents opposing this OA.

9. At the Outset, we may point out that it would be discriminatory to treat equals as ~~is~~ unequals and as such treatment offends Art.14 of the Constn. of India. unequals as equals. As the applicants are complaining that in not-extending the benefit of the ~~trainers~~ incentives w.e.f. 1.1.86 on par with the trainees in Group 'A' Training Institutes, it has got to be seen whether the action of the respondents is discriminatory in not extending such benefits ~~from~~ 1.1.86. As already pointed out, for the grant of training incentives, the Training Institutes ~~have~~ been classified into two groups namely Training Institutes meant for training Group 'A' Officers and others at the All India Level and Zonal Training Institutes meant for training Group 'C' trainees, at Zonal level. The ~~trainers~~ in the All India level Training Institutions and Zonal Training Institutes are two distinguished classes. As a matter of fact, the ~~trainers~~ in the Zonal Training Institutes, ~~esp~~ especially, Group 'A' ~~exx~~ ~~is~~ gazetted ~~trainers~~ are persons with high qualification whereas, the ~~trainers~~ in the zonal training school are not persons with such high qualifications. So, the ~~trainers~~ in Zonal Training Institutes are quite different and distinguishable from the Trainers in Group 'A' Institutes. So, it is not open for the applicant to compare themselves with the ~~trainers~~ in All India Training Institutes, as the ~~trainers~~ in the Zonal Training Institutes are not at all equals in any respect to ~~trainers~~ in Group 'A' Institutes. So, if

Copy to:-

1. Secretary, Ministry of Transport, Department of Railways, Railway Board, New Delhi..
2. The Chairman, Railway Board, Rail Bhavan, New Delhi.
3. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, SC for Railways, CAT, Hyd.
5. One copy to Deputy Registrar(Judl.), CAT, Hyd.
6. Copy to Reporters as per standard list of CAT, Hyd.
7. One, spare copy.

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any benefit had been given to the Trainers in Group 'A' Institutes, the applicants herein, who are in Zonal Training Institutes, as of right cannot claim the same benefits and also with effect from the said date 1.1.1986. As already pointed out, as they cannot compare themselves with the trainers in Group 'A' institutes. Ofcourse, in Group 'A' institutes also there may be non-gazetted trainers. But the benefits given to the non-gazetted trainers, in Group 'A' training institutes cannot be claimed by the trainers in Zonal Training Institutes, as they are not similarly placed in any respect.

10. The applicants herein cannot compare themselves in any respect with the So, trainers in Group 'A' institutes, the applicants herein have no right to claim parity over the trainers in Group 'A' Training Institutes. So, by giving the training incentives on two different dates Trainers in the for the two categories of Training Institutes of the respondents, do not in any way offend either Article 14 or 16 of the Constitution of India and the contention of the applicants that they are given a differential treatment cannot be accepted. So, we see no merits in this OA and hence this OA is liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

T.C
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 23 March 1993

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Dy. Registrar [Sd/]

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O.A. 764/91

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 23/3/1993

ORDER/JUDGMENT

R.P. / C.P. / M.A. NO.

in

764/91
O.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.

Ordered/Rejected.

No order as to costs.

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