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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION-NO.44-of 1994

DATE OF ORDER: 9th January, 1997

BETWEEN:

1. Bala Sanjappa,
2. A.Narasimhulu,
3. L.Linganna,
4. Linganna,
5. Imam Hussain,
6. Obulesu Ganganna,
7. Abdul Rahiman,
8. M.Nagaraju.

.. APPLICANTS

AND

1. The General Manager,
South Central railway,
Secunderabad.
2. The Divisional Railway Manager,
S.C.Railway, Guntakal,
Anantapur District,
3. The Sr.Divisional Personnel Officer,
S.C.Railway, Guntakal,
Anantapur District,
4. The Sr.Divisional Engineer,
S.C.Railway, Guntakal,
Anantapur District.

.. Respondents

COUNSEL FOR THE APPLICANTS: SHRI S.LAKSHMA REDDY

COUNSEL FOR THE RESPONDENTS: Sri D.F.PAUL, Adl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

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Heard Shri S.Lakshma Reddy, learned counsel for the applicants and Shri D.F.Paul, learned standing counsel for the respondents.

2. There are 8 applicants in this OA. It is stated that they were engaged as Casual Labour between the years 1960 and 1970. It is further stated that they were screened and empanelled for Class-IV vacancies. They were further posted as Valvemen after screening on the basis of their aptitude by the memo No.G/P.564/IV/1978/(IOW/GY) dated 8.7.81 (Annexure-I to the reply) and No.PC/7/E/III dated 1.9.81 (Annexure-II to the reply) respectively. After they were taken as Valvemen, they were not given promotion to the higher grade of semiskilled and skilled. They represented their case to the General Manager through PNMs. It is stated that the General Manager had issued instructions by the order No.P(E)XXXVII/PNM/Union dated 17.12.87 (Page 9 of the material papers of the OA) to treat them ~~as non skilled~~ as non skilled and the avenue of promotion already available for Khalasis should be made applicable to this category also. However, it is stated that no cognizance had been taken to those instructions and the applicants herein were allowed to continue in the unskilled category of Valvemen. It is also further submission of the applicants that ~~some~~ others who were screened and posted as Khalasis along with ^{them} ~~they~~ were progressed even to the grade of Skilled Grade.I and above and the applicants herein are not given even a single promotion.

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3. This OA is filed praying for declaration that the action of the respondents in not considering their cases ~~the applicants~~ for promotion to higher skilled grade while promoting their juniors as per the empanelment dated 4.9.81 on the ground that there was no avenue of promotion for Valve Operator is totally arbitrary, illegal and violative

of India and for consequential direction to the respondents to consider them for promotion on par with their juniors shown in the empanelment and grant them all consequential benefits such as arrears, fixation of pay, seniority etc.

4. The applicants state that their juniors in the initial screening panel have been given higher grades even as far back as 1987 onwards. If the applicants are aggrieved by the promotion of their juniors, they should have approached this Tribunal in time so that their cases could have been considered at that time itself. But they filed this OA only in the year 1993. At this late stage, to give any direction to consider them for promotion on par with their juniors will have far reaching implications and upset the whole seniority in the various skilled grades. Further the applicants were not trained in any of the skilled grade so far as they are working only as Valvemen which is an unskilled grade. In our opinion they may not come up for fulfilling the necessary conditions for promotion even as Semiskilled grade unless they work in the suitable trade before being called for trade test.

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Further, if any retrospective direction is given, this will cause irreparable loss to those who were already promoted as the posts are limited and promoting the applicants herein may cause reversion. Considering the above facts, we are of the considered opinion that no retrospective orders ~~can~~ be given. ^{when proper to} given some channel of promotion for progressing further. That channel can be open to them only prospectively.

5. We have enquired from the learned standing counsel for the respondents the reason for not implementing the directions given by the General Manager as referred to above. The learned standing counsel for the respondents submitted that the applicants have not volunteered whenever vacancy arose in the semiskilled ^{category} and hence their cases were not considered. But he could not produce any record to that effect. The learned counsel for the applicants also has not enclosed any document/record to show that the applicant volunteered whenever there were vacancies in the semiskilled grade in the various trades and that their candidature was not considered by the respondents. In view of the above, no cognizance can be taken of the above submissions. Further there are no proper avenue chart showing the progress of the Valvemen to the higher category. Even when we asked the learned standing counsel for the respondents to spell out the further channel of promotion, the learned standing counsel took some time to ascertain the position from the respondents. In view of the above, we are of the opinion that the General Manager's

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instructions referred to above were not translated in ^{to} ~~the~~ action earlier. Today the learned standing counsel produced before us the avenue chart showing the avenue of promotion from the grade of Khalasi and other Group-D staff to the post of Mistry in the grade of Rs.1400-2300 in the Engineering Branch. Even in this avenue chart, the position of the Valvemen is not shown. When we questioned them where the Valvemen are to be fitted in this avenue chart, the ^a ~~learned~~ standing counsel for the respondents submitted that they will be clubbed along with the Khalasis and other Group-D staff (except Sanitary Khalasis) in the scale of pay of Rs.750-940. He further stated that the avenue chart will be amended to include them also forthwith. If the Valvemen are clubbed with Khalasis and other Group-D staff as above, then they will have promotional opportunities to be promoted as Khalasi Helper in the grade of Rs.800-1150 and thereafter to the cadre of Basic Tradesmen (trade-wise) in the scale of pay of Rs.800-1150 and thereafter to the Artisan category in the grade of Rs.950-1500. In view of the above submission, we feel that at least now, prospectively, Valvemen can be considered for promotion to the higher grades as indicated above. We have no doubt in our mind that the respondents will call Valvemen also for any suitability test for promotion for Khalasi Helpers in future.

6. In the result, the following direction is given:-

Valvemen category should be clubbed along with the Khalasis and other Group-D staff (except Sanitary Khalasis)


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in the scale of pay of Rs.750-940 in the Avenue Chart of the Track and the Works Wings of Civil Engineering Department and the avenue chart ^{be} amended forthwith to that effect. On inclusion, they should be considered for higher promotion to the post of Khalasi Helper in the scale of pay of Rs.800-1150 for all existing and future vacancies. As new chart comes into force now, wide publicity should be given for inclusion of the Valvemen in the avenue chart so that Valvemen are aware of their promotional prospects which will enable them to volunteer for the Khalasi Helper Posts in the future vacancies as well as existing vacancies.


7. The OA is ordered accordingly. No order as to costs. (The avenue chart produced before us is taken on record).


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

9.197


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 9th January, 1997
Dictated in the open court.


Dy. Registrar (3)

vsn

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31/1/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 9/1/97

Order/Judgement
R.D./C.P./M.A.NO.

O.A.NO.

in
44/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

