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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1031 of 1996

DATE OF ORDER: 21st SEPTEMBER, 1998

BETWEEN:

1. E.BANGARAPPADU,
2. P.SREERAMULU,
3. N.SUBBA RAO,
4. M.HARIPRASAD,
5. B.BHUSHANAM.

.. APPLICANTS

AND

1. The Divisional Railway Manager,
South Central Railway, Vijayawada,
2. The Sr.D.P.O, S.C.Railway,
Vijayawada,
3. The Sr.D.E.N, Coordination,
S.C.Railway, Vijayawada,
4. The Bridge Inspector,
S.C.Railway, Vijayawada,
5. K.SATYANARAYANA,
6. M.KHAZA ALI,
7. K.NAGESWEARA RAO.
8. R.Koteswara Rao

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.VSR MURTHY

COUNSEL FOR THE RESPONDENTS: Mr.D.F.PAUL, ADDL.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.))

None for the applicants. Heard Mr.D.F.Paul for
the respondents.

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2. There are 5 applicants in this OA. The applicants herein are Bridge Helpers under Senior D.E.N, South Central Railway, Vijayawada and they were promoted as Khalasi Helpers during 1986. At that time there was no AVC ^{chart} ~~avenue which is available~~ for promotion to Skilled Gr.III category. The avenue chart for promotion to the post of Skilled Gr.III was issued by letter No.B/P.529/VII/Bridge AVC, dated 7.2.93 enclosed as Annexure I to the reply. In that chart there are various trades and Group I starts from Dollyman Gr.III in the scale of pay of Rs.950-1500. Once again they can be promoted as Rivetter Gr.III, Rivetter Gr.II and Rivetter Gr.I etc. In Group-II there are Hammerman Gr.III who can be posted as Blacksmith Gr.III, thereafter to Blacksmith Gr.II and Gr.I. In Group-III there are Artisan Gr.III who can go as Artisan Gr.II and Gr.I. All those who are in the above trades can appear for the post in the scale of pay of Rs.1400-2300 on the basis of the integrated seniority unit.

3. As per the avenue chart, Khalasi Helpers have to give their option selecting one of the trades. For that option, a letter bearing No.B/P.535/VII/BRI/HS-II, dated 28.12.95 (Annexure II to the reply) ^{was issued,} All the five applicants herein have ~~have~~ given their option for Rivetter ~~Grade~~ as can be seen from Annexure IV to the reply. The private respondents 5 to 8 opted for other trades namely, Welder, Bricklayer and Blacksmith. Thus ^{as per} ~~when the~~ option ~~was~~ given, the private respondents were promoted to the particular trade in accordance with the avenue chart. The applicants were not promoted as Rivetter whereas the

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private respondents 5 to 8 were promoted in the trade ^{to} for which they opted namely, Welder, Bricklayer, Blacksmith. The applicants submit that all the private respondents are juniors to them and they cannot be promoted to the Artisan category in the scale of pay of Rs.950-1500 earlier to them.

4. This OA is filed for setting side the impugned order No.B/P.535/VII/H5 III/Br, dated 8.4.96 whereby the private respondents 5 to 8 were promoted as Artisan Gr.III in the trade to which they ^{had} ~~were~~ opted and for consequential direction to R-2 to promote the applicants as Artisan Gr.III as per rules in the scale of pay of Rs.950-1500.

5. The respondents have filed reply. It is stated in the reply that the applicants, having opted for Rivetter trade, cannot aspire to be promoted against the other trades to which the private respondents were promoted as the private respondents had given option to the trades ^{Trade -} other than the Rivetter. Even if they are juniors to the applicants in the Khalasi Helper grade, they are eligible to get promoted in the trade ^{is} in which they ^{had} ~~were~~ opted, ^{As} there were vacancies and the private respondents came within the zone of consideration for promotion to Skilled Gr.III in the trade to which they have ^d opted.


6. The applicants had opted for Rivetter trade. It is stated in the reply that there were a number of employees opted for Rivetter trade and they were all seniors to the applicants and they were promoted as Rivetter Gr.III as they passed necessary trade test. The applicants being

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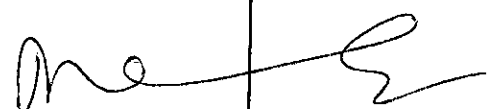
juniors in the seniority list of optees for Rivetter trade, they cannot question the promotion of the private respondents 5 to 8 as they had opted to the other trades, other than the Rivetter trade.

7. The reason given for not promoting the applicants as Artisan Gr.III and promoting the private respondents to Artisan Gr.III even though they are juniors in the grade of Khalasi Helper, is in order. The applicants opted for Rivetter trade. As there were enough candidates senior to the applicants who passed the trade test for promotion to the post of Rivetter Gr.III, the applicants could not be promoted. The respondents 5 to 8 had opted to the other trades namely Welder, Brick Layer, Blacksmith and they were within the zone of consideration for promotion to that trade. Hence they were promoted. The question of inter se seniority in the grade of Khalasi Helpers under such circumstances does not arise. The only point that arise is whether the applicants have opted to the trade to which private respondents 5 to 8 had opted. As the applicants had not opted to the trade to which the private respondents 5 to 8 had opted, we see no irregularity if the respondents 5 to 8 are promoted in their own channel.

8. In view of what is stated above, we find no merits in this OA. Hence the OA is dismissed. No order as to costs.


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

21.9.98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 21st September, 1998
Dictated in the open court

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Copy to:

1. The Divisional Railway Manager, South Central Railway, Vijayawada.
2. The Sr.D.P.O., South Central Railway, Vijayawada.
3. The Sr.D.E.N., Coordination, South Central Railway, Vijayawada.
4. The Bridge Inspector, South Central Railway, Vijayawada.
5. One copy to Mr.V.S.R.Murthy, Advocate, CAT, Hyderabad.
6. One copy to Mr.D.F.Paul, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

23/10/98

II COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 21/9/88

ORDER/JUDGMENT

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

in

G.A.NO. 1031/96

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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CO II

Director, Hyderabad Bench in CT

