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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.447/96

dt.17-8-98

Between

P. Ramakrishna Rao

: Applicant

and

1. Union of India, rep. by
General Manager, SC Rly,
Rail Nilayam
Secunderabad

2. Chief Personnel Officer
SC Rly., Rail Nilayam
Secunderabad AP

3. Divnl. Railway Manager
SC Rly., Guntakal

4. Sr. Divnl. Personnel Officer
SC Rly., Guntakal

: Respondents

Counsel for the applicant

: S. Ramakrishna Rao
Advocate

Counsel for the respondents

: K. Siva Reddy
SC for Railways

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Addmn))

Heard Sri S. Ramakrishna Rao for the applicant and Sri K. Siva Reddy for the respondents.

1. The applicant in this OA was empanelled and absorbed as Khalasi on 31-12-1988. He was posted to work as Loading Khalasi in the scale of Rs.750-940 under Junior Engineer(Works) South Colony, South Central Railway, Guntakal. He was later promoted as Senior Loading Khalasi in the scale of Rs.775-1025. with effect from 18-9-1992.

2. A notification was issued bearing No.G/P.531/P/Vol.V dated 26-2-1996 (Annex.II) for promotion of Group-D staff to Group-C service as office Clerk in the scale of pay of Rs.950-1500. The number of vacancies assessed by that notification was 47 comprising of OC-41; SC-4; ST.2. It is stated that the applicant applied for appearing in that examination. His candidature was rejected on the ground that he is ^{not} in the feeder category by that ^{impugned memo dated 26-3-1996 (Annex.I)}.

3. This OA is filed to set aside the impugned memo No. G/P.531/P/Vol.V dated 26-3-96 (Annex.I) of Respondent-4 and for a consequential direction to the respondents to permit the applicant to appear for the written examination for Group-C Office Clerk scheduled to be held on 13-4-1996 as he fulfilled all the conditions laid down for promotion to the cadre of Office Clerk in the grade of Rs.950-1500.

4. The only point for consideration is whether the applicant is eligible for consideration on the ground that he is in the ^{feeder} category for promotion as Office Clerk.

5. The respondents submit that as per the chart enclosed (Annex.III) the applicant who is in the category of semi-skilled

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staff can aspire to become skilled in any of the disciplines such as carpenter, blacksmith etc. after passing the Trade Test. The Avenue chart provides avenues for the promotion to the applicant herein in his Department. The post of Clerks in the Group-C category is a different post for which the feeder category is different. Only peons, Chowkidars and other staff working in the Divisional offices who have no further chances of promotion can only appear for the promotion test to Group-C as office Clerks. As the applicant is not in that feeder category his case is not considered correctly.

6. The learned counsel for the applicant submits that there are about 45 Loading and Unloading Khalasies under the Junior Engineer(Works), Guntakal and none of them were promoted to higher grade and they are stagnating and that the applicant possesses necessary qualifications and he should not be denied the opportunity for appearing for the examination for the post of Clerks against 33 $\frac{1}{3}$ quota.

7. The applicant is not stagnating in the grade of Rs.750-940. He is already in the higher grade viz. Rs.775-1025. Hence, the above submission of the applicant is not borne by facts. Moreover, the loading and unloading khalasies have to sit for the Trade test before being promoted to the skilled category. No instances have been brought to our notice wherein eligible Loading and Unloading Khalasies were prohibited from sitting for Trade test thereby ~~getting~~ ^{denying them} promotion to the skilled post. Hence, the submission of the respondents that Loading and Unloading Khalasies have no future cannot be taken on face-value.

8. The learned counsel for the applicant produced a panel issued some time in the year 1995 or so wherein some of the

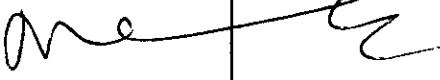
Khalasies of the Engineering Department were considered and promoted as Office Clerks. We have perused the names and designations of those Khalasies. A perusal gives us the know-how that those Khalasies ^{who} were Office Khalasies working under Chief Engineer. They cannot aspire to become skilled Fitter in the open line under any of the Inspectors of the Engineering Branch. Hence, they were permitted to appear for the promotion test to the post of Clerks in Group-C treating them as peons, Daftry etc. Hence, these cases will not support the applicant to allow him to sit for the examination for the post of Clerks against 33 and 1/3 quota.

9. The reply clearly states that the applicant has got chances of promotion to become a skilled fitter after passing the Trade test. Hence, he has his own channel of promotion. The feeder category for clerks is entirely different from Loading/Unloading Khalasies borne in Seniority list under the Junior Engineer(Works), Guntakal. If the applicant so desires to become office clerk the only way left for him is to ask for change of category and come over as Khalasi in the Administrative office under Chief Engineer or any other Division and then apply for the post of Clerks against 33 & 1/3 quota as and when notification for these posts is issued.

10. In view of what is stated above, the applicant has not made out a case for getting the relief. Hence, the OA is dismissed. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)

17/8/98


(R. Rangarajan)
Member (Admn.)

Dated : August 17, 98
Dictated in Open Court

6A.477/96

Copy to:-

1. The General Manager , South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. The Divnl. Railway Manager, South Central Railway, Guntakal.
4. The Sr. Divnl. Personnel Officer, South Central Railway, Guntakal.
5. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT., Hyd.
6. One copy to Mr. Siva Reddy, Addl. CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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17/8/98
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II COURT

TYED BY
COMPARED 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 G.S. JAI PARAMESHWAR :
M(B)

DATED: 17/8/98

ORDER/JUDGMENT

M.A/R.A/C.P.HS.

in
C.A.NO. 447/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय अधिकारिक अधिकारण
Central Administrative Tribunal
मेस्ट / DESPATCH

31 AUG 1998

हैदराबाद आयोगी
HYDERABAD BENCH