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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 821/97

Date of Order : 10.3.99

BETWEEN :

Ch. Adinarayana

.. Applicant.

AND

1. The Divisional Railway Manager,
S.C.Railway, Vijayawada.
2. Chief Personnel Officer (C.P.O.),
S.C.Railway, Rail Nilayam,
Secunderabad.
3. General Manager,
S.C.Railway, Rail Nilayam,
Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. K.S. Murthy

Counsel for the Respondents

.. Mr. N.R. Devraj

CORAM :

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

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr. K.S. Murthy, learned counsel for the applicant and
Mr. N.R. Devraj, learned standing counsel for the respondents.

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2. The applicant in this OA was initially recruited as Motor Mechanic Grade-C in 1973. Subsequently he was promoted to B-Grade Motor Mechanic and A-Grade Motor Mechanic in 1981 and 1984 respectively. The applicant submits that he is eligible to be promoted as Master Craftsman in the scale of pay of Rs.1400-2300. The applicant on 10.5.93 submitted a representation for creation of Master Craftsman. That representation was submitted by number of other ancillary category staff including the applicant herein who requested for creation of Master Craftsman in the Diesel Mechanic ancillary category. His representation was forwarded to the headquarters and that was conveyed to the applicant by letter No.B/P.535/V/I/Vol.VIII, dated 8.9.93 (A-3). The applicant submits that no decision has been taken in that connection.

3. This OA is filed praying for a direction to the respondents herein to treat the branch of Motor Mechanics/Diesel Mechanics as separate group and consequently operate a post of Master Craftsman for the category of S&T Department Visayawada Division of South Central Railway.

4. The contentions of the applicant are as follows :-

(1) When there is a minimum of 10 posts in a unit that unit deserves a post of Master Craftsman. As ⁱⁿ the present ~~case~~ ^{Cadre} of Motor Mechanic/Diesel Mechanic there are more than 10 posts i.e. 11 posts. Hence creation of a ~~Master Craftsman~~ ^{Master Craftsman} is must. For this the applicant relies on

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the memo No.B/P.135/Restructuring/93, dated 14.5.93

whereby the creation of sanctioned posts in the ancillary categories of S&T Department as on 1.3.93 was issued by the respondent organisation. As per this memorandum the Motor ^{strength of} _{Category} Mechanic as on 1.3.93 were 11 permanent and 2 temporary.

After it was revised as on 1.3.93 the total strength is 11 permanent and 2 temporary. But there is a lone post of Master Craftsman in the scale of pay of Rs.1400-2300 equivalent to the 5% of the total strength of the cadre.

5. The second contention of the applicant is that the respondents have not decided even though he was informed by the letter dated 8.9.93 that the case has been referred to the Chief Personnel Officer for the decision. Without deciding the case a reply has been filed even though no bar was placed for deciding the issue as per the interim order dated 4.7.97.

6. In the reply it is stated that there is no ^{Reason given} reply in regard to the creation of Master Craftsman if the strength ^{chn} is more than 10. But they have not commented any thing in regard to the sanctioned strength as per the memo dated 14.5.93. Though it is stated in the reply ^{based on the letter no 1178} that a decision to the effect that "if increase in the number of posts in a given ancillary trade justified creation of one or more posts of Motor Craftsman on its own strength, such trade or category may be separated from other ancillary trades subject to the condition that such separation shall not deprive of

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the opportunities of other left over constituent categories for promotion to the post of MCM which is available "by letter dated 9.1.98. The applicant submits that he was not informed of the reply dated 9.1.98.

7. No rule in regard to creation of Master Craftsman when the strength in the category is more than 10 has been produced. It is only verbal ^{as} ~~version~~. However his case has been referred to the Chief Personnel Officer for a decision as seen from the letter at Annexure-3. The memo dated 14.5.93 shows a lone post of Master Craftsman in the Motor Mechanic category. It is not understood as to why this post has not been sanctioned ^{or granted} by the authority. The reply is very silent in regard to the sanctioned strength in the particular category.

8. Considering the above we are of the opinion that the firm decision in regard to the creation of the Master Craftsman post in the Motor Mechanic/Diesel Mechanic of S&T Department has to be taken by R-2 keeping in mind the memo already issued dated 14.5.93. A suitable reply has to be issued to the applicant in this connection within a period of 3 months from the date of receipt of a copy of this judgement.

9. While issuing the final decision a copy of the letter dated 9.1.98 also should be docketed to the applicant for his information.

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Copy to

1. HDHO
2. HHRP M(A)
3. ABSOP M(J)
4. D.R. (A)
5. SPARE

948/99
1ST AND 2ND COURT

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASER:
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWARAN
MEMBER (J)

DATED: 10.3.99
ORDER/ JUDGEMENT

MA./RA./CP. NO.

IN

C.A. NO. 821/97

~~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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(7 copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

17 MAR 1999

हैदराबाद न्यायालय
HYDERABAD BENCH