

**Central Administrative Tribunal**  
**Jabalpur Bench**

**OA No.739/04**

Indore, this the 18<sup>th</sup> day of August 2005.

**C O R A M**

**Hon'ble Mr.M.P.Singh, Vice Chairman**  
**Hon'ble Mr.Madan Mohan, Judicial Member**

Smt.T.Nagamani  
W/o Shri T.R.Sharma  
Employed as (adhoc) Jr.Typist  
O/o The Chief Engineer (Construction)  
S.E.C.Railway, Bilaspur.  
Residing at Railway Quarter No.950/2  
R.T.S.Colony, Bilaspur (CG)

Applicant

(By advocate Shri B.P.Rao)

**Versus**

1. Union of India through  
The Secretary  
Ministry of Railways  
Rail Bhawan, New Delhi.
2. The General Manager  
South Eastern Railway  
Garden Reach, G.M.Office  
Kolkata.
3. The Chief Workshop Manager  
Workshop  
South Eastern Railway  
Kharagpur (WB)
4. The Dy.Chief Mechanical Engineer  
Wagon Workshop  
South Eastern Railway  
Kharagpur (WB)
5. The Workshop Personal officer  
Workshop  
South Eastern Railway  
Kharagpur (WB)

Respondents.

(By advocate Shri M.N.Banerjee)



O R D E RBy Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

- (i) To direct the respondents to accord financial up gradation benefits of higher post under ACP Scheme
- (ii) To direct the respondents to promote her at par with her juniors who were already promoted earlier in the skilled artisan grade along with arrears of pay, seniority and pensionary benefits and for qualifying requisite trade test; arrange desired pre-promotional training and to conduct fresh tests till qualifying the trade test

2. The brief facts of the case are that the applicant was appointed in the Railways on 16.8.1980 in open line as Khalasi in Kharagpur Workshop of S.E.Railway and thereafter she was promoted as Khalasi Helper which is a semi skilled post from 15.10.1984. The applicant was transferred to Bilaspur Division under the rule of posting of husband and wife at one place. Subsequently the applicant was posted as adhoc junior typist, i.e. entirely different types of duties in the administrative type of work while her lien is being maintained at her parent unit at Karagpur workshop of S.E.Raiway, Kharagpur as Khalasi Helper. The applicant was promoted as Khalasi Helper in her parent department with effect from 15.10.1984 and in spite of more than 12 years, she was not given any financial up gradation benefits under ACP Scheme in the Skilled Artisan Grade in her parent department. In the meantime, in the applicant's parent department, several juniors were selected and got promotions in the skilled artisan grades with higher pay scale and benefits and all such developments in her parent department were not intimated from time to time by the respondents. The applicant submitted her representation against non-granting promotional benefits to her at par with juniors. The applicant was asked to appear for trade test on 22.7.2003 and for want of technical knowledge, she did not fair well in the said test and she was declared unsuitable. The applicant submitted a representation dated



10.10.2003 followed by a reminder narrating the entire facts but all in vain. Hence this OA is filed.

3. Heard the learned counsel for the parties. Learned counsel for the applicant did not press the relief No.8.2 in the OA i.e. a further direction to the respondents to accord financial up gradation benefits of higher post under ACP Scheme.

4. Learned counsel for the applicant argued that the applicant was posted initially as Record Sorter and subsequently posted as adhoc junior typist and in spite of more than 12 years on the promoted post of Khalasi Helper in her parent department, she was not given any financial up gradation benefits under the ACP Scheme in the skilled artisan grade. The action of the respondents in not intimating about promotional test and not providing her any promotional training at least before holding the trade test for promotion is against the principles of natural justice. The respondents did not consider the representations submitted by the applicant. Hence the applicant is legally entitled for the reliefs claimed.

5. In reply, the learned counsel for the respondents argued that the applicant was called for necessary trade test for promotion to the post of Technical Grade-III. She appeared in the trade test on 22.7.2003 but she could not come out successful, as a result of which she was not granted the benefit of proforma fixation. None of the juniors was promoted without passing the trade test. Regarding her claim for adhoc promotion, the learned counsel argued that no such adhoc promotion could be ordered against any regular vacancy. Moreover there was no requirement for adhoc promotion. Hence the OA deserves to be dismissed.

6. After hearing the learned counsel for both parties and careful perusal of the records, we find that the applicant's counsel has not pressed the relief for the benefit of ACP Scheme. The argument advanced on behalf of the respondents is that the applicant was permitted to appear the trade test held on 22.7.2003 but she could not succeed, as a result of which she was not granted the benefit of



proforma fixation and she was duly informed about it. The respondents have mentioned in their return that none of the juniors of the applicant was promoted without passing the trade test. She was appointed as Khalasi in 1980 and was promoted as Khalasi Helper in 1984 at Kharagpur Workshop and thereafter on her own request she was transferred to the office of Chief Engineer (Construction), Bilaspur as her husband was posted there. She was not compelled by the respondents for this personal posting. As the applicant could not succeed the trade test conducted by the respondents on 22.7.2003 and none of the juniors of the applicant was promoted without passing the trade test, the action of the respondents seems to be perfectly legal and justified.

7. Considering all facts and circumstances of the case, we find that the OA has no merit. Accordingly, the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P.Singh)  
Vice Chairman

33.

ਪ੍ਰਾਣਿਆਨ ਦੀ ਓ/ਨਿਆ.....ਜਵਲਪੁਰ, ਦਿ.....  
ਪ੍ਰਦਿਤਿਤਿਤੀ ਆਵੇ ਛਿਲ :—

(1) रुदिरा, २३१ राजायापाल राजा पुस्तकालय, जबलपुर  
 (2) अनंतराली/प्रीती/यु ..... कं काउंसल  
 (3) प्रद्युम्नी/क्षी/शोभा/यु ..... कं काउंसल  
 (4) वृंथपाल, वृंथपाल, उज्जलपुर ज्यायपीठ  
 रायला एवं आवश्यक कार्यालयी हेतु

12/2

## उप रजिस्ट्रार

~~7-9-95~~