

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
(CAMP OFFICE : INDORE)

Original Application No. 567 of 2001

Indore, this the 13th day of April, 2004

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

1. Hansraj S/o Siaram Meena,
Goods Driver, aged 35 years
House No. 1255/A, Road No.6
New Railway Colony, Ratlam.
2. Anant P. Karandikar,
Goods Driver, aged 36 years,
C/o CTCC office, W.Rly.
Station Ratlam.
3. Vedprakash S/o Angadram Meena
Goods Driver, aged 35 years,
C/o C.T.C.C. Office,
Railway Station - Ratlam.
4. Ratiram Meena
Goods Driver, aged 33 years,
C/o C.T.C.C. Office,
Railway Station - Ratlam.
5. Mahesh V.Kasture,
Goods Driver, aged 36 years
C/o C.T.C.C. Office,
Railway Station - Ratlam.
6. M.K. Shaikh,
Goods Driver, aged 38 years,
C/o C.T.C.C. Office, Railway
Station - Ratlam.

(By Advocate - Shri A.N.Bhatt)

VERSUS

1. The General Manager,
Western Railway,
Headquarters office,
Churchgate - Mumbai - 20
2. The Divisional Rail Manager,
Western Railway - Do - Batti,
Ratlam.

RESPONDENTS

(By Advocate - Shri Y.I.Mehta, Sr.Adv.with Sh.H.Y.Mehta)

O R D E R(ORAL)

By Madan Mohan, Judicial Member -



By filing this O.A., the applicants have sought the following main reliefs :-


"8.1 To declare that the letter issued for the cancellation of pay fixing dated 28.9.2000 and 13.12.2000 may kindly be quashed being illegal, void and inoperative.

8.2 Respondents may kindly be directed to extend the benefits of pay fixation at par and from the date of their earlier promotion.

8.3. All the arrears may kindly be ordered to be paid to the applicants.

8.4. All the consequential benefits with interest may kindly be allowed.".


2. The brief facts of the case are that the applicants are working under the respondent no. 2 as Railway Engine Drivers in the scale of Rs. 5000-8000/-. Respondent no. 2 has issued a seniority list dated 18.4.1994 (Annexure A-3) in which the applicants are placed at serial nos. 145, 146, 147, 148, 149, 152 and 155 respectively. The applicants contended that while working as Assistant Drivers they were sent for Goods Drivers's training and on completion of training, they again joined their duties as Diesel Assistant. The respondent no. 2 issued orders dated 3.5.1995 and 22.5.1995 in which certain juniors to the applicants were promoted. Hence, the applicants submitted their representation to the respondents. The respondents had issued an order dated 28.12.1999 whereby the applicants were promoted from the date from which their juniors were promoted. But all of sudden the respondents have passed the impugned order dated 28.9.2000 (Annexure A-1). Against this order the applicants submitted their representations to the respondents but the respondent no. 2 did not consider their request and rejected their representations vide order dated 13.12.2000 (Annexure A/2). Aggrieved by this, the applicants have filed the present O.A. claiming the aforesaid reliefs.



3. Heard the learned counsel for the applicants and respondents.

4. The learned counsel for the applicants stated that respondents have deliberately given training to ^{earlier} the juniors/~~to~~ the applicants and also the promotion, which is not in accordance with the rules. ~~on the~~ representation of the applicants, the respondents have issued order dated 28.12.99 and extended the benefits of the applicants from the date of promotion of the juniors and fixation was also revised. The learned counsel for the applicants has also stated that all of sudden the respondents have passed the order dated 28.9.2000 ~~whereby~~ the profarma seniority of the applicants have been cancelled without assigning any reason and without giving any opportunity of hearing to the applicants. Thus the principle of natural justice has not been followed by the respondents. Hence, the impugned orders are liable to be quashed.

5. On the other hand the learned counsel for the respondents has stated that the juniors had completed the training earlier than the applicants and in exigencies of service they were given adhoc promotion earlier than the applicants who completed their training much later than the juniors. Thus, the applicants were not entitled to pay ^{from which} fixation on par with the juniors from the ~~date~~ ^{date} of the juniors were given adhoc promotion. By mistake the department originally fixed the salary in the way the applicants wanted ^{the same was got changed} but later on, in view of the Railway Board direction/ circular (Annexure-R-1) in which it has been mentioned that on regular promotion of the juniors and seniors the stepping up to the seniors can be given only keeping in view the dates of regular promotions and not with reference to dates of adhoc promotions. The learned counsel for the respondents



has also contended that the previous notification of the Railway Board permitting stepping up even from the date of ad hoc promotion was withdrawn.

6. After hearing the learned counsel for the parties, we find that the juniors of the applicants had completed the training earlier than the applicants. Whereas the applicants had completed their training much later than their juniors., and in exigency of service, they were given ad hoc promotion earlier than the applicants. We also find as per Annexure R-1 that the benefit of stepping up of pay to seniors with reference to that of juniors should be allowed only in cases where the promotions are on a regular basis. In view of the Annexure R-1, we are of the considered opinion that the respondents have not committed any irregularities or illegalities and violation of any rules.

7. With the above observations, the O.A. is bereft of merit. Accordingly, the O.A. is dismissed with no order as to costs.

(Madan Mohan)
Member (J)

/SKM/

(M.P. Singh)
Vice Chairman

पूछांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि कार्य दिनांक:-

(1) सचिव, राज्य सरकार, जबलपुर

(2) अध्यक्ष, राज्य सरकार, जबलपुर

(3) प्रत्यक्षी, राज्य सरकार, जबलपुर

(4) राज्य सरकार, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

हप सचिव

Forward
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AN Bhatt
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