

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 209 of 2000

Jabalpur, this the 19th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Krishna Rane, S/o. Shri Shankar
Rane, Fitter Grade-I,

and 125 others.

... Applicants

(By Advocate - None)

V e r s u s

1. General Manager, Central Railway, Bombay-VT Mumbai.
2. Divisional Railway Manager (P), Central Railway, Bhopal.
3. Chief Workshop Manager, CRWS Central Railway, Bhopal.
3. Union of India, through Secretary, Ministry of Railway, (Railway Board), New Delhi.

... Respondents

By Advocate - Shri S.P. Sinha)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None is present for the applicants. Since it is an old case of 2000, we propose to dispose of the OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987.

2. By filing this Original Application the applicants have claimed the following main reliefs :

(i) to fix the lien of the applicants from the date that they were substantively appointed in the department i.e. with effect from 30.10.1999.

(ii) to direct the respondents to give the applicants the benefit of seniority from the date they were promoted as Artisan Grade-II in the scale of Rs. 1200-1800 and confirm them w.e.f. such date.

(iii) to refix their seniority and give them the benefit of upgradation w.e.f. 1.3.93 which has been

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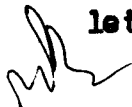
given to their juniors from the date they were regularised or from the date they were given their first promotion as Artisan Gr. II."

3. The brief facts of the case are that the applicants entered the Railway service as Apprentice and on completion of six months training they were appointed as Artisan Grade-III in the grade of Rs. 950-1500/-. From Artisan Grade-III they were further promoted to the post of Artisan Grade-II in the pay scale of Rs. 1200-1800/-. According to the applicant, the rule relating to seniority of non-gazetted Railway servants is governed by Para 303 of the IRM which stipulates that the seniority of candidates recruited through the Railway Recruitment Board or any other recruiting authority should be determined as under :

"Candidates who are sent for initial training to training schools will rank in seniority in the relevant grade in the order of merit obtained at the examination held at the end of the training period before being posted against working posts. Those who join the subsequent courses for any reason whatsoever and those who pass the examination in subsequent chances, will rank junior to those who had passed the examination in earlier courses."

The applicants have further submitted that they were recruited as direct recruits in the 25% quota of the sanctioned post. Therefore they shall be granted seniority as per the aforesaid rule. Since the respondents have not granted them the seniority in accordance with this rule they have filed this Original Application claiming the aforesaid reliefs.

4. The respondents in their reply have stated that the applicants were recruited in purely temporary capacity against temporarily sanctioned post. Since there were no regular cadre in Carriage Repairing Workshop, Bhopal, the posts were not required to be restructured as per Railway Board letter dated 27.1.1993 (Annexure R-1). As per this letter, the restructuring of cadre is applicable on the



regular cadre. As the cadre was not restructured, the question of promotion from 1.3.93 to the staff working in CRWS, Bhopal did not arise. A new workshop for repairing coaches was set up by the Government of India, Ministry of Railway at Bhopal in the year 1986. As it was a new organisation and activities were expanded on a planned manner to run the work of said workshop, regular staff from other Units/Divisions of Central Railway were appointed by inviting options from such staff. In fact, even though they were working in this workshop, their regular lien was maintained in their parent Department and they were getting promotion and restructuring benefits as per their seniority in their parent Unit/Divisions. As the activities expanded, being a new establishment it was decided in the year 1989 to recruit the staff from open market and accordingly approximately 327 employees were appointed as Artisan Grade-III from open market on temporary basis. These applicants are belonging to this category. In due course of time it was decided to restructure the posts of Group-C and D category of staff in accordance with the revised percentage, for the purpose of providing more promotional avenues to the staff in the higher grades, as per letter dated 27.1.1993 by giving the benefits from 1.3.1993. In the second para of the said letter, it is clearly mentioned that this letter is applicable on the regular cadre of open line establishment including workshop and production units. From the facts as stated above it is clear that the restructuring benefit is applicable to only those who are born on the regular cadre as on 1.3.1993. As there was no regular cadre available for the staff working under CRWS as on 1.3.1993, there was no question of restructuring the cadre of staff working in the said workshop. Hence the applicants are not entitled to get seniority

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and promotion.

5. Heard the learned counsel for the respondents and perused the pleadings carefully.

6. We have also carefully considered the contentions made on behalf of the learned counsel for the respondents and we find that the applicants have been appointed as Apprentice and after undergoing six months training they have been appointed as Artisan Grade-III. It is also not in dispute that they were working in Carriage Repairing Workshop & this organisation was only a temporary organisation. Therefore the applicants were working in a temporary capacity. Although other persons were also working in the temporary capacity in this organisation they were holding permanent post/lien in their parent Department. Therefore their promotion in the new organisation was regulated ~~with reference~~ with reference to the promotions granted to them in the parent cadre. The applicants were direct recruits and are working in a temporary capacity and also working in a temporary organisation ^{as they} were not holding any lien against ^{permanent &} ~~temporary~~ post ~~XXX~~ in the parent cadre, ^{they} were [&] therefore not granted the benefit of restructuring ~~the~~ scheme which came into effect from ¹⁻³⁻⁹³ ~~21-4-1993~~. ^{sub} Since para 2 of the same scheme clearly states that these orders will be applicable on the regular cadre of the open line establishment including workshop production units and will include Rest Giver and Leave Reserve Posts. Para 2.1 states that the orders ^{not} will ^{not} be applicable to ex-cadre and work-charged posts which will continue to be based on worth of charge. The Workshop cadre has been closed on 21st June, 1994 and therefore all the direct recruits who were working in temporary basis on that organisation were confirmed from the above mentioned date. We also find from the appointment

order dated 29th Marcy, 1989 (Annexure A-1) that the applicants were appointed purely on temporary capacity, and therefore could not claim the benefit of restructuring scheme issued by the Railway Board on 27th January, 1993.

7. For the reasons recorded above, the Original Application is bereft of any merit and the same is dismissed. No costs.

8. The Registry is directed to supply a copy of the memo of parties, alongwith the certified copies of this order to the parties, ^{etc}

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

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5-3-04

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- पुस्तिका सं. १०/१११..... जयपुर, दि.....
- राजस्थान राज्य सरकार
- जयपुर
- (1)
 - (2)
 - (3)
 - (4)
- सूचना सं. १०/१११/१११/१११

Smt. J. Chawhan
S P Singh

Rajinder
जयपुर 5/3/04