

**Central Administrative Tribunal
Principal Bench**

OA No.4272/2015

New Delhi, this the 3rd day of March, 2016

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Dr. Birendra Kumar Sinha, Member (A)**

1. Navneet Kumar Saxena
Aged 51 years,
S/o Late Hari Har Nath,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o 4/27, North West Moti Bagh,
New Delhi.
2. OB Vasudevan
Aged 52 years,
S/o Late O. N. Bhaskaran Moothanthu,
Working as Asstt. Programmer,
Railway Board Computer Centre,
New Delhi.
R/o C-38/Y-1, Dilshad Garden,
Delhi-95.
3. Rangnath Aggarwal
Aged 50 years,
S/o Shri Satpal Aggarwal,
Working as Asstt. Programmer
Railway Board Computer Centre,
New Delhi.
R/o 1264, Sector-37,
Faridabad (Haryana).
4. Yogesh Katyal
Aged 45 years,
S/o Shri K. L. Katyal,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o B-87, Surya Nagar,
Ghaziabad 201071.
5. Subhash Kishwan
Aged 48 years,
S/o Shri H. M. Kishwan,
Working as Programmer
Railway Board Computer Centre,

New Delhi.
R/o 586, Sector-3,
R. K. Puram,
New Delhi-22.

6. Narinder Sood
Aged 46 years,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o F-97, Sector-27,
Noida (UP).
7. Anil Kumar Aggarwal
Aged 48 years,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o E-2/4/39, Sector-15,
Rohini, Delhi.
8. Rajender Mohan Bhatt,
Aged 49 years,
S/o Late R. P. Bhatt,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o Block-22, Qtr. No.1044,
Lodhi Colony,
New Delhi 110 003.
9. Krishan Kant
Aged 45 years,
S/o Shri D. R. Ranga,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o H-7J, Sarojini Nagar,
New Delhi-23.
10. Shashi Rawat
Aged 48 years,
S/o Shri G. S. Rawat,
Working as Programmer
Railway Board Computer Centre,
New Delhi.
R/o C-537, Sarojini Nagar,
New Delhi-23.
11. Naresh Kumar
Aged 53 years,

S/o Late Bhim Singh,
 Working as Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o T-574/A, Baljeet Nagar,
 Gali No.12,
 New Delhi 110 008.

12. Kakali Paul
 Aged 53 years,
 S/o Shri B. C. Paul,
 Working as Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o C-39, Shri Ram Kunj, Shalimar Garden,
 Ext.-II, Shahibabad.
13. Gopakumar K. R.
 Aged 46 years,
 S/o Late Rajagopan Nair,
 Working as Asstt. Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o 1345, Sarojini Nagar,
 New Delhi-23.
14. Ramendra Kumar Sinha
 Aged 46 years,
 S/o Shri H. K. Sinha,
 Working as Asstt. Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o 9/140, Vasundra, Ghaziabad.
15. Rajesh Kumar Sinha,
 Aged 42 years,
 S/o Late Anandi Prasad,
 Working as Asstt. Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o 203, B-27, Shalimar Garden Ext-II,
 Shahibabad, Ghaziabad.
16. Irshad Ahmad
 Aged 42 years,
 S/o Late Anwarul Hasan,
 Working as Asstt. Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o E-247/1, Shaheen Bagh,
 Okhla.

17. Mriganka Kumar Ghosh
 Aged 45 years,
 S/o Shri S. C. Ghosh,
 Working as Asstt. Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o G-136, Sarojini Nagar,
 New Delhi-23.

18. V. K. Jha
 Aged 46 years,
 S/o Shri B. D. Jha
 Working as Asstt. Programmer
 Railway Board Computer Centre,
 New Delhi.
 R/o 359, Niti Khand-I,
 Ghaziabad.

.... Applicants.

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through
 Secretary
 Ministry of Railway, Govt. of India,
 Rail Bhawan,
 New Delhi.

2. The Secretary
 Ministry of Personnel, Public Grievances & Pensions,
 Department of Personnel & Training,
 Lok Nayak Bhawan,
 Khan Market,
 New Delhi.

3. The Secretary
 Ministry of Law,
 Govt. of India,
 Shastri Bhawan,
 New Delhi.

4. The Secretary
 Ministry of Finance,
 Department of Expenditure,
 Govt. of India,
 North Block,
 New Delhi.

5. The Secretary
 Union Public Service Commission,
 Shahjahan Road,
 New Delhi.

.... Respondents.

(By Advocate : Shri Krishna Kumar)

: O R D E R (ORAL) :

Justice Syed Rafat Alam, Chairman :

In the instant Application filed under Section 19 of the Administrative Tribunals Act, 1985, the short grievance of the applicants is that their cases are not being considered for regular promotion on the post of Programmer/Assistant Programmer for the reason that RRs for the aforesaid posts are yet to be finalized.

2. When the matter was earlier taken up, learned counsel for the respondents was granted time to seek instructions in the matter. A short reply has been filed on 01.03.2016, wherein, in paras 11 & 12, it has been averred as under:-

“11. From above, it may be concluded that based on the recommendations of the Committee and its subsequent implementation, the RBCC was revamped and some promotions were effected in the year 2011 purely on ad hoc basis. At a later stage, it was, however, decided that the approval of Ministry of Finance is necessary to implement the Cadre restructuring of RBCC. Since it also involves Group ‘B’ & Group ‘A’ posts and as per extant instructions for creation/upgradation of posts in Group ‘B’ & Group ‘A’, the approval of Ministry of Finance is required. Therefore, it was decided to send the Cadre restructuring proposal of RBCC to Ministry of Finance for approval. At present, the file is under examination in consultation with Finance Directorate of Ministry of Railways. After the approval of Hon’ble Minister of Railways, the same shall be sent to Ministry of Finance for approval. As such, the promotions etc. are being done only as per the pre-cadre restructuring posts till the approval of Ministry of Finance is received. Recruitment Rules for various posts in RBCC are pending for want of firm pay scales of various posts for deciding the residency period for promotion to the higher grades and vetting of Ministry of Finance. The implementation of cadre restructuring of RBCC has, therefore, been put on hold till the approval of Ministry of Finance for which, the file is under process.

12. In summation, it may be seen that the main contentions of the Applicants, i.e., non-regularisation of their ad hoc status due to non finalisation of RRs and no further

promotion in their Cadre, are inter related and entirely dependent upon the final approval of the Cadre restructuring of RBCC by Ministry of Finance. Once the Cadre restructuring of RBCC is approved by Ministry of Finance, necessary steps to frame the Recruitment Rules of the Cadre based on the approved posts and pay scales will be taken in consultation with UPSC. Once the RRs are finalised, the ad hoc promotion granted to the employees will also be regularised so as to make them eligible for further promotions.”

3. Learned counsel for the respondents, therefore, submits that once the RRs are finalized and notified, the ad hoc promotion given to the applicants would be regularized in accordance with rules. He further submits that all endeavours would be made to finalize and notify the RRs expeditiously.

4. Learned counsel for the applicant, in view of the above statement made in the counter affidavit, fairly submitted that let a direction be issued to the respondents to frame the rules within a fixed time.

5. Learned counsel for the respondents has no objection to the request and fairly stated that the same would be finalized expeditiously.

6. In view of the above, we dispose of this matter with the direction to the respondents to finalize the RRs and notify the same as expeditiously as possible, preferably within a period of four months from the date of receipt of certified copy of this order. It is needless to emphasize that the respondents, after finalizing and notifying the rules, shall proceed with the selection and promotion in accordance with the rules expeditiously.

7. With the above order, this Application stands disposed of, but without costs.

(Dr. B. K. Sinha)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/