

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00098/2015

Wednesday, this the 13th day of February, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA, ...JUDICIAL MEMBER

1. Shri S.Mubash,
Junior Engineer,
Traction Power Control,
TRD/TVC,
Southern Railway, Divisional Office,
Thiruvananthapuram,
Residing at Pulatharayil House,
Kattachira, Pallickal Post,
Kayamkulam – 690 503.
2. Shri Hasheer Mohammed,
Junior Engineer,
PSI Punnapra,
TRD/TVC,
Southern Railway
Divisional Office,
Thiruvananthapuram,
Permanently Residing at:
Razia Manzil, Kunnikode P.O.,
Kollam – 691 508.
3. Shri Bijoy David,
Junior Engineer,
OHE/TCR,
Southern Railway,
Divisional Office,
Thiruvananthapuram,
Permanently residing at:
Moolamkulam House,
Mukkattukara Nettisery P.O.,
Thrissur – 680 651.

(By Advocate Mr.George Varghese Perumpallikuttyil)

V e r s u s

1. The Union of India,
Represented by the Secretary to the
Government,
Ministry of Railways,
Central Secretariat,
New Delhi- 110 011.
2. The Southern Railway,
Personnel Branch,
Headquarters Office,
Chennai through the
Chief Personnel Officer,
3. The Divisional Personnel Officer,
Personnel Branch,
Divisional Office,
Southern Railway,
Thiruvananthapuram -695 001.Respondents

(By Mr.Sunil Jacob Jose for Respondents)

This application having been heard on 7th February, 2019, the Tribunal
on 13th February, 2019 delivered the following :

O R D E R

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.98/2015 is filed by three Junior Engineers working in Traction
Power Control of the Southern Railway, Thiruvananthapuram Division, - Shri
S.Mubash, Shri Hasheer Mohammed and Shri Bijoy David. They are aggrieved
by certain measures introduced by the respondents in pursuance to the
'Restructuring of Group 'C' cadres' dated 08.10.2013 (Annexure A10) by which

.3.

the applicants claim that their reasonable opportunity for career advancement have been curtailed. Reliefs sought in the OA are as follows:

- a) issue appropriate orders calling for the records leading to Annexure A5 order and set aside and same;
- b) issue appropriate orders calling for the records leading to Annexure A2 and set aside the same to the extent it surrenders 4 posts in the category of Senior Section Engineer in the cadre of Supervisors in Electrical Traction Department;
- c) issue such other direction or others, as are deemed fit and proper in the facts and circumstances of the case and in the interest of justice.

2. The applicants are now working as Junior Engineers in Electrical Traction Department in Thiruvananthapuram Divisional Office of Southern Railway. There are two categories in the cadre of Supervisors in Traction Department namely, Senior Section Engineer (SSE) and Junior Engineer (JE). They belong to Pay Band of Rs.9300-34800 with Grade Pay Rs.4600 and Pay Band of Rs.9300-34800 with Grade Pay Rs.4200, respectively. 50% of the posts in the cadre were allotted to the said categories each as on 31.01.2013

3. It is pointed out that the issuance of the notification restructuring the cadre (Annexure A1) has been detrimental to the category of Junior Engineer. The said restructuring was stated to be in order to ensure more promotional avenues in higher categories. But in effect, the notification has reallocated the 50% posts which belong to the categories as 67% posts of higher grade pay and 33% for lower grade pay. Similarly, the percentage of posts allotted in the grade pay of Rs.4200 and Rs.4800 in artisan staff cadre have been increased

.4.

while those in the grade pay of Rs.2400 and Rs.1900 have been reduced.

4. In so far as the applicants are concerned the restructuring has had the effect of reducing the posts available to them as SSEs, while increasing the posts in their own category of Junior Engineers. It is maintained that this step is illogical, as already there are several unfilled vacancies in Junior Engineer category which could have been abolished. The purpose of effecting matching savings emphasised in the restructuring order has not been appropriately addressed in the restructuring measure. Annexure A1 document on the subject of 'matching savings' has stated thus:

“..... While effecting surrender of posts of equivalent financial value, the existing vacant post available in the categories on the date of effect should be considered for the purpose of off-setting the cost of restructuring/financial effects of restructuring.

.....”

5. It is alleged that in the manner the restructuring effort has been undertaken, there has been no seriousness exhibited on the part of the respondents.

6. The applicants maintain that there is urgent need for more posts at the level of Supervisory cadre in the Electrical Traction Department, the present strength being grossly inadequate. The step initiated by the respondents for surrender of four posts in the category of SSE in order to off-set the increase of posts in category of Technician-I in Technical category is not justified. This

.5.

would have serious implications with regard to safety if implemented.

7. The respondents have filed a reply statement wherein they have disputed the rights of the applicants to question a general measure undertaken by the respondents to stream line the working of the Traction Department. In fact the second applicant had already approached this Tribunal by filing OA No.1096/2014 challenging a promotion given to another employee, but he has chosen to hide this fact from this Tribunal while filing the OA.

8. The initiative of the respondents has been to find matching savings by abolishing more posts at the senior level in order to add to the number of posts at the junior level. The surrender of four posts of SSE was undertaken on this ground. If posts of Junior Engineer level were to be surrendered and all SSE posts retained, more number of employees would be affected which the respondents wanted to avoid. The applicants should not merely look at their personal interest alone and challenge a well considered initiative such as the restructuring exercise.

9. We have heard Shri George Varghese Perumpallikuttyil, learned Counsel for the applicant and Shri Rajesh on behalf of Shri Sunil Jacob Jose for respondents. All pleadings were examined. The grievance of the applicants primarily revolves around the decision of the respondents to surrender/abolish four posts in the category of SSE. This has been done as a part of a much

.6.

larger initiative explained in Annexure A1 document as 'Restructuring of Group C cadres'. Several measures have been taken up presumably after consultations with various stake holders. As a self financing measure, necessary funds for the purpose have been sourced by surrendering certain posts under some categories. To put in right perspective, many posts have been added to the other categories as well. This Tribunal does not wish to evaluate a department exercise done for a legitimate reason and it is not in our mandate to do so. The applicants have taken a very narrow point for contesting the restructuring, that is, the surrender of four SSE level posts which would presumably have come to some of them. It would be imprudent and unjustified to look at performance enhancement measures from such narrow perspectives. Addition/reduction in cadres are a necessary corollary for enhancing the efficiency and narrow personal interest should not be brought into play in order to derail well thought out initiatives. OA lacks merit and is liable to be dismissed. We proceed to do so. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

sd

List of Annexures in O.A. No.180/00098/2015

1. **Annexure A1** – True copy of the Notification No.PC-III/2013/CRC/4 dated 08.10.2013.
2. **Annexure A2** – True copy of the Order No.V/P.524/VIII/TRD/Restructuring dated 04.06.2014.
3. **Annexure A3** – True copy of the representation dated 12.08.2014 made by the applicant before the 3rd respondent.
4. **Annexure A4** – True copy of the order dated 18.09.2014 in O.A.No.180/0076/2014 of this Hon'ble Tribunal.
5. **Annexure A5** –True copy of the Order No.V/P524/VIII/TRD/Restructuring dated 22.12.2014 passed by the 3rd respondent.
6. **Annexure A6** – True copy of letter No.V/P.524/VIII/Elec./TRD/Restructuring dated 21.05.2015 issued from the office of 3rd respondent.
7. **Annexure A7** - True copy of letter No.P.135/TVC/2013-14/EF/CRC/EL(TRD)5 dated 10.01.2014 of Sr.Divisional Finance Manager, Trivandrum.
