

Central Administrative Tribunal  
Patna Bench, Patna.

O.A/50/363/2015

**Date of Order:- 29.01.2019**

**C O R A M**

**Hon'ble Shri J. V. Bhairava, Member [ J ]**  
**Hon'le Shri Dinesh Sharma, Member A)**

1. Sarvesh Kumar, s/o Sri Nageshwar Yadav, village & P.O.- Vaar, P.s.- Madanpur, District- Aurangabad.
2. Harishankar Yadav, S/o Sri Mahendra Narayan Yadav, Village & P.O.- Gangapur, PS.- Lakhsaur, District- Madhubani.
3. Mmritunjai Kumar S/o Sri mahendra Prasad, Village & P.O.- Shitalpur Bazar, P.S.- Dighwara, District- Dhapra (Saran).
4. Ajay Kumar, S/o Sri Laleshwar Rai, Village- Mahuabagh, P.O.- Sahainagar, P.s.- Rupaspur, District- Patna.
5. Vivek Kumar, S/o Sri Virendra Prasad Rai, Village- MaDudhaura Agriculture Farm, P.O.- Sonapur, District-Chapra (Saran).

....Applicants

By Advocate : Shri J.K.Karn

Vs.

1. Union of India through the Chairman, Railway Board, New Delhi.
2. The General Manager, East Central Railway, Hajipur.
3. The General Manager, Central Railway, Chhatrapati Shivajee Terminal, Mumbai.
4. The Chief Administrative Officer, Rail Wheel Plant, Bela Shitalpur, Saran.
5. The Asstt. Personnel Officer, Rail Wheel Plant, Bela Shitalpur, Saran.

..... Respondents.

By Advocate : Shri P.K. Thakur

**O R D E R (ORAL)**

**Per J.V. Bhairava, M [ J ] :-**

In the instant O.A the applicants have sought relief that the decision by which the respondent compelled the applicant to undergo three years pre joining training instead of six months on the post of Technician -III Eng/T&C (Diesel Group) in the scale of Rs. 5200-20200 + GP Rs.1900/- against 20% departmental quota, may be

declared erroneous and the applicants further prayed for a direction upon the respondents to grant the promotion to the applicants on the post of Technician with all consequential benefits from the date of completion of six month pre-joining training i.e after May 2014.

2. To substantiate the claim, the I/c for applicants mainly submitted as under :-

[2.1] The I/c for applicants mainly submitted that the applicants were initially appointed as a Helper at Diesel Loco Shed, Pune under the Central Railway, Pune and after exercising options presently they are working at Railway Wheel Plant, Bela under East Central Railway.

[2.2] Vide letter dated 29.09.2012 / 01.10.2012, issued by Sr. DME (D), Pune, the Chief Administrative Officer/Wheel Plant, Patna was communicated the result of applicants and was asked that on completion of six months training they will be posted at Diesel Loco shed, Pune. (Annexure A/1 refers). It is pleaded that the other employees including the juniors to applicants who were declared successful alongwith the applicants at Pune after imparting six months of training have been posted to their next promotional post and getting benefits of the same. Whereas the applicants are being subjected to undergo three years training at Rail Wheel Plant, Bela instead of six months and applicants would get benefit of their promotion after three years.

[2.3] Vide impugned order dated 07.10.2013, issued by the Assistant Personnel Officer, Rail Wheel Plant Bela, addressed to the Dy. Chief Mechanical Engineer /I.T. Rail

Wheel Plant, Bela wherein it was erroneously contended that on request of applicants they were being given training of three years for their next promoted post from Helper to Technician –III. (Annexure A/2 refers).

[2.4] Aggrieved by the order dated 07.10.2013, the applicants had preferred this O.A. It is I further contended that on 21<sup>st</sup> August 2014, the applicants had submitted representations before the competent authority and requested therein to reduce their training period from three years to six months (Annexure A/3 refers). However, the respondents have not decided the representation of the applicants. On the other hand, the applicants being compelled to impart three years of pre joining training erroneously and thereby the applicants have been treated unequal and discriminated in comparison of other employees of railway of different zones.

3. In response to notice, the respondents have filed their reply denying the contention of applicant and further contended as below:-

[3.1] That the applicants had submitted representations dated 11.04.2013 and requested to provide pre joining training at Rail Wheel Plant Bela (Annexure R/5). However, in this connection, the General Manager (Estb), Central Railway, Mumbai was asked consent vide letter dated 04.07.2013 and 07.08.2013 (Annexure R/6 & R/6A ) for issuance of order for imparting training and granting promotion in technician grade III/Mech against the available vacancies in Rail Wheel Plant/Bela.

- [3.2] It is further contended that vide letter dated 28.08.2013 (Annexure R/7) DRM office, Central Railway, Pune informed that as there is no diesel work is being done at Rail Wheel Plant/Bela so it is not possible to give them training in Rail Wheel Plant/Bela, hence they may be relieved to diesel shed/Pune.
- [3.3] It is further contended that on the request/representation submitted by the applicants dated 11.04.2013, the competent authority was agreed and decided to provide requisite training to the applicants after taking undertaking from them that they would not claim repatriation after completion of training and placed reliance on the office note (Annexure A/4) and thereafter vide order dated 07.10.2013 has been issued to provide three years training to the applicants since all of them were possessing non-technical qualification in accordance with IREM Vol-I (1989 Edition) para 153 (3) and RBE 166/2010. (Annexure R/11 series refers).
- [3.4] It is contended that against the three years training the applicants had submitted their representations i.e Annexure R/11 and R/11A by citing example of any other Zonal Railway/production unit and requested to reduce the training period. On query, it come to the knowledge that the training policy has been followed by them as per their requirement. However, in the case of applicants it was not in dispute that they are working as helper and possess non-technical qualification therefore to consider them for promotion as technician grade-III, the necessary pre joining training has been prescribed as three years.

[3.5] it is further contended that subsequent to issuance of impugned order dated 07.10.2013, the competent authority has approved to adopt new training guidelines in Rail Wheel Plant/Bela and new training policy has been circulate<sup>4d</sup> vide letter dated 13.04.2015 (Annexure R/12) whereby it has been decided to give training to helpers with ITI for six months and helpers without ITI for one year on promotion as Technician III in Grade Pay Rs.1900/-. Accordingly, the pre joining training of the applicants have been reduced to one year as they have been possessing non-technical qualification and after successful completion of training they have been posted to the post of technician grade –III/Mech w.e.f. 16.10.2014 (i.e from the date of result of training) vide order dated 24.07.2015 (Annexure R/13) hence the applicants are not suffering from any loss. At present, applicants are in fact working at promotional post as technician –III therefore, the applicants are not entitled for any relief.

4. Heard the parties and perused the materials available on records. It is not in dispute that the applicants had submitted their representation before the competent authority with a request to reduce the period of pre joining training for their appointment to the promotional post i.e technician grade-III. It is noted that the applicants do not have any grievance to be promoted and place of Railway Wheel Plant, Bela. Their grievance was that the pre joining training period i.e three years be reduced to six months. It is also noticed that as per provision of IREM-Vol-I, para 159 (3) for the purpose of grant of promotion to the post of technician grade-III the minimum pre joining training period has been stipulated for three years for non-technical

staff. It is not in dispute that the applicants were neither possessing any technical qualification nor ITI certificate while working as helper.

5. It has been brought to the knowledge to this Tribunal that after approval of competent authority vide their decision dated 13.04.2015, the training period adopted for the Rail Wheel Plant Bela for Helpers who promoted as Technician-II in PB-I Rs.5200-20200 + GP 1900 are (i) six months for Helpers with ITI and (ii) 01 years for Helpers without ITI. Based on the said decision vide order dated 24<sup>th</sup> July 2015, the applicants have been posted to the post of technician-III/Mech. in PB-I under. The said fact has not been rebutted by the applicants. It is the main grievance of the applicant that for reduction of pre joining training period has been redressed by the respondents vide order dated 24.07.2015 (Annexure R/13).

6. In view of the above factual matrix of the present O.A., it is noticed that substantial grievance of the applicant has been redressed. However, if the applicant is entitled for any relief as per rules/guidelines, the same may be granted w.e.f. 16.10.2014 i.e from the date of their promotion to the post of technician-III.

7. Accordingly, the O.A stands disposed of. No costs.

[ Dinesh Sharma] M [ A ]

[ Jayesh V. Bhairavia] M [ J ]

/mks/

