

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 1066 of 2011

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. P.K.Basu, Administrative Member

PROBIR KR. MAITRA

VS

UNION OF INDIA & ORS. (S.E.RLY.)

For the applicant : Mr. C.Sinha, counsel

For the respondents : Mr.B.L.Gangopadhyay, counsel

Order on : 8.3.16

O R D E R

Ms. Bidisha Banerjee, J.M.

The application has been filed in order to seek the following relief :

- a) to direct the respondent to fix up the DITS on 14.9.95 and grant selection grade in terms of Board's letter No. E(O)I/99/SR-6/2 dated 28.2.03 circulated after RBE No. 23/03 w.e.f. 14.9.09;
- b) to direct the respondents to dispose of the representation submitted by your applicant to the concerned authority.

2. The issue in the present OA is whether the present applicant who holds the post of Chief Public Relations Officer, S.E. Railway in JA Grade would be entitled to selection grade as prayed for in this OA.

3. Ld. Counsel for the respondents would dispel the claim by stating the following :

The seniority of the officers appointed to various Indian Railways Group 'B' Jr. Scale is determined on the basis of date of increment on the time scale (DITS) in accordance with the detailed particulars laid down in para 334 of IREM Vol. I. Fixation of seniority of the officers of various Miscellaneous Department is determined on the basis of particulars laid down in para 339-340 of IREM Vol.I. The applicant belongs to Miscellaneous category and accordingly his seniority was rightly fixed which he never questioned. He was promoted from Group 'B' to Sr. Scale Group 'A'. Since he belonged to

Miscellaneous category he was not eligible to fixation of seniority on the basis of DITS in terms of para 334 of IREM Vol. I in terms of which seniority of Group 'B' officers empanelled to Jr. Scale Group 'A' was to be determined.

The respondents have further clarified that the applicant was inducted in Public Relation Department in Group 'A' service as Sr. PRO without any mention of IRTS cadre. He was working in Miscellaneous cadre and so he could not be admitted to IRTS cadre which belonged to organised services of Indian Railways.

They would further emphasize that Public Relation Department of Indian Railways belonged to Miscellaneous category while the organised services of Indian Railways as explicit in Section 101 of Chapter I of IREM Vol. I was as under :

- i) Indian Railway Service of Engineers (IRSE)
- ii) Indian Railway Service of Mechanical Engineers (IRSME)
- iii) Indian Railway Service of Electrical Engineers (IRSEE)
- iv) Indian Railway Stores Service (IRSS)
- v) Indian Railway Service of Signal Engineers (IRSSE)
- vi) Indian Railway Traffic Service (IRTS)
- vii) Indian Railway Personnel Service (IRPS)
- viii) Indian Railway Accounts Service (IRAS)
- ix) Indian Railway Medical Service (IRMS)

Public Relation Department is not included in the list.

They have further urged that Public Relation Department being not an organised service of Indian Railways was not governed by the rules applicable to organised service where posting of IRTS was done as per provisions of Recruitment Rules of 1982 by transfer of officers on deputation.

4. Ld. Counsel for the applicant at this juncture would invite our attention to Annexure A/3 to the OA, a notification dated 22.1.09 of the Secretary, Railway Board notifying that the President was pleased to approve promotion of 03 Group 'B' officers of Public Relation Department of Indian Railways to 03 Sr. Public Relations Officers in Group 'A' / Sr. Scale on regular basis officiate as Sr. Public Relations Officers in Group 'A' / Sr. Scale on regular basis

w.e.f. 14.9.2000. He would further invite out attention to classified list of gazetted establishment of Indian Railways wherein the applicant figured in the list of Sr. Public Relations Officer with date of appointment shown as 14.9.2000.

Ld. Counsel for the respondents dispelled the argument by submitting that such inclusion would not entitle him for NFSG unless he belonged to an organised cadre and was eminently eligible for NFSG.

5. During the course of hearing Ld. Counsel for the applicant was asked to produce any authority/circular which would entitle the applicant to claim NFSG ~~scale~~. The Ld. Counsel cited RBE 135/2000. A bare perusal of the said demonstrated that the RBE was in regard to grant of NFSG to "organised" Group 'A' Railway Services and hence was inarguably and irrefutably applicable to organised services only.

6. Ld. Counsel for the applicant has failed to demonstrate that the applicant belonged to organised cadre or that he would be entitled to selection grade. Ld. Counsel would make a tenuous effort to claim as such by citing a decision rendered in OA 444/07, which is on a different factual premise and hence not applicable to the present fact situation.

7. Therefore in view of the failure on the part of the applicant to show that the applicant belonged to organised services and was entitled to Selection Grade, we are of the considered opinion that the applicant has failed to make out a case meriting any relief.

8. Therefore the OA is dismissed. No order is passed as to costs.

(P.K.BASU)
MEMBER (A)

in

(BIDISHA BANERJEE)
MEMBER (J)