

SUPREME COURT OF INDIA

Pritam Singh

Vs.

Railway Board

(V.N. Khare and Y.K. Sabharwal JJ.)

06.04.2000

ORDER

V.N. KHARE, J.

1. The short question that arises for consideration in this case is whether appellants-before us are entitled to the same benefit as was accorded to one Mange Lal Rastogi. The appellants are senior to Mange Lal Rastogi in Clerk Grade-II. For promotion to the post of Clerk Grade-I, necessarily, an employee working in Clerk Grade-II has to pass the examination. It is only on passing the examination that one gets promoted to the post of Clerk Grade-I. Mange Lal Rastogi passed the examination as far back in the year 1960 whereas the appellants successively failed in the examinations and ultimately in the year 1970 they passed the said examination. Mange Lal Rastogi was promoted to the post of Clerk Grade-I in the year 1968 on long term vacancy and was subsequently reverted to the post of Clerk Grade-II in April, 1969 in order to make room for promotion of his seniOrs. The appellants on passing the departmental examination were also promoted in the year 1970 to Clerk Grade-I post against short term vacancies. However, subsequently the appellants have also reverted to the posts of Clerk Grade-II. The Railway Board issued an order dated 25.9.69, which is read as under:

The Board has considered the matter and has decided that in respect of leave vacancies other than those of LPR promotions of Clerks Grade-II as Clerks Grade-I in the Accounts Department should be made on the basis of the prescribed percentages laid down for qualified and unqualified staff subject to the proviso that the staff so promoted would revert on the expiry of such vacancies irrespective of their inter-se seniority in the cadre.

2. It is on the strength of this letter, Mange Lal Rastogi made a representation to the Railway Board stating therein that, had the said letter been issued in April, 1969, he would have not reverted from the post of Clerk Grade-I. The Railway Board accepted the representation of Mange Lal Rastogi and directed that the period from 1.4.1968 to 25.9.1969 when he worked as Clerk Grade-I shall be counted for increment in the post of Clerk Grade-I. In view of the said benefit accorded to Mange Lal Rastogi, the appellants herein filed Original Application claiming the same benefits before the Central Administrative Tribunal. The said Original Application was rejected and against that judgment and order the appellants are in appeal before us.

3. Learned Counsel urged that the appellants were entitled to count the period from the date of promotion to the date of reversion in the post of Clerk Grade-I for the purposes of increment as was

done in the case of Mange Lal Rastogi and the respondents have unreasonably denied the said benefit to them. In fact, they were treated by uneven hands and, therefore, the action of respondents is discriminatory. We do not find any substance in the argument. As noted earlier, Mange Lal Rastogi was promoted to the post of Clerk Grade-I against long term vacancy. He was made to revert to Clerk Grade-II post in order to make room for the seniOrs. If the Board's letter of 25.9.1969 had come in April, Mange Lal Rastogi would have not reverted to the post of Clerk Grade-II. The appellants case is entirely different. The appellants were promoted to the post of Clerk Grade-I against the short term vacancy and in view of the Board's letter dated 25.9.1969 after the expiry of the period of the vacancy the appellants working as Clerk Grade-I were liable to be reverted to the post of Clerk Grade-II.

4. For the aforesaid reasons, we do not find any merit in these two appeals. They are, accordingly, dismissed. There shall be no order as to costs.