JUDGMENT OF CAT CHANDIGARH REG GROUP B TO SSE ETC ON RLYS OA NO 211-2014 IRTSA VS UOI

D.NO. 2838 Dated 17/3/16

From

The Registrar,
Central Administrative Tribunal,
Chandigarh Bench, Chandigarh.

To

1. Mr.S.P.Garg,, Advocate,R/o # 3244, Sector-21-D, Chandigarh.
2. Mr. G.S.Sathi, Advocate, C/o CAT Bar Association, Chandigarh.
3. Mr. Ram Lal Gupta, Advocate, C/o CAT Bar Association, Chandigarh.

OA.No.060/00211/2014

Indian Railways Technical Supervisors Association(IRSTSA)through its General Secretary Harchandan Singh & Ors.

Applicant (S)

VERSUS

Union of India & Ors. Respondent(

Sir,

I am directed to forward herewith a copy of Judgment/order dated 12.03.2016 passed by a Bench of this Tribunal comprising Hon'ble Mr. Justice L.N.Mittal,JM and Hon'ble Mrs. Rajwant Sandhu,AM in the aboye mentioned case for information/compliance and necessary action please.

Yours faithfully,

17/3/16
SECTION OFFICER (J)

Encl:-As above.
Copy to :- All outlying Benches.

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

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Order reserved on: 01.03.2016

ORIGINAL APPLICATION N0. 060/00211/2014

Chandigarh, this the 12th day of March, 2016

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CORAM: HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER (J) & HON''BLE SMT. RAJWANT SANDHU, MEMBER (A)

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1. Indian Railways Technical Supervisors Association (IRTSA), Rep. by its General Secretary Harchandan Singh, R/o 32, Phase 6, Mohali-160055.
2. Darshan Lal, S/o Sh. Mehar Chand, aged 50 years, working President IRTSA, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala-144602, R/o 148-A, Type-IV, RCF Colony, Kapurthala, 144602.
3. K.V. Ramesh S/o Sh. K. Veerachamy, aged 45 years, Senior Joint General Secretary, IRTSA Working as Senior Section Engineer, Integral Coach Factory, Chennai-600049, Resident of G3-Likit Homes, 3-Lakshmanan Nagar, West Street, Peravallur, Chennai-600082.
4. Bihari Lal S/o Sh. Jagat Ram, aged 51 years, Working as Senior Section Engineer (SHELL), Rail Coach Factory, Kapurthala, Resident of 96-B, DS, Type-IV, RCF Colony, Kapurthala.
5. Kanwal Jeet S/o Sh. Lala Ram, aged about 50 years, Working as Senior Section Engineer(MW), Rail Coach Factory, Kapurthala, Resident of 96-C, DS, Type-IV, RCF Colony, Kapurthala.
6. Surjit Singh S/o Sh. Rameshwer Singh, aged 49 years, Working as Senior Section Engineer (MW), Rail Coach Factory, Kapurthala.
7. Sanjay Kumar Mehta S/o Sh. Sant Lal Mehta, aged 51 years, Working as Senior Section Engineer (MW), Rail Coach Factory, Kapurthala.
8. Balwinder Singh S/o Sh. Didar Singh, aged 57 years, Working as Senior Section Engineer (MW), Rail Coach Factory, Kapurthala.

9. Ram Bachan Yadav S/o Sh. Bhulan Prasad Yadav, aged 51 years, Working as Senior Section Engineer (MFG), Rail Coach Factory, Kapurthala.
10. Varinder Singh S/o Sh. Sucha Singh, aged 53 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.
11. Haider Ali Khan S/o Sh. Mustaquim Khan, aged 53 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.
12. Arvind Kumar Singh S/o Sh. Arjun Prasad Singh, aged 52 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.
13. Manoranjan Prasad S/o Sh. Bishnu Kumar Das, aged 52 years, Working as Senior Section Engineer (FURN), Rail Coach Factory, Kapurthala.
14. Deepak Kumar S/o Sh. Ram Sarup, aged 52 years, Working as Senior Section Engineer (SHELL), Rail Coach Factory, Kapurthala.
15. Rajesh Taneja S/o Sh. Hans Raj, aged 49 years, Working as Senior Section Engineer (SHELL), Rail Coach Factory, Kapurthala.
16. Tarlochan Singh S/o Sh. Piara Singh, aged 46 years, Working as Senior Section Engineer (DESIGN), Rail Coach Factory, Kapurthala.
17. Gurinder Pal Singh S/o Sh. Tej Pal Singh, aged 48 years, Working as CI, Rail Coach Factory, Kapurthala.
18. G.P.S. Chauhan S/o Sh. Dashmer S. Chauhan, aged 54 years, Working as Senior Section Engineer, Rail Coach Factory, Kapurthala.
19. Harmesh Kumar S/o Sh. Megh Raj Goyal, aged 49 years, Working as C&M Superintendent, Rail Coach Factory, Kapurthala.
20. Kamal Kumar S/o Sh. Gian Chand, aged 49 years, Working as C&M Superintendent, Rail Coach Factory, Kapurthala.
21. Sandeep Kumar S/o Sh. Sant Ram, aged 43 years, Working as C&M Superintendent, Rail Coach Factory, Kapurthala.
22. Harinder Singh S/o Sh. Harbhajan Singh, aged 44 years, Working as CDMS, Rail Coach Factory, Kapurthala.

....APPLICANTS

BY ADVOCATE: SHRI SANJEEV MANRAI, SR. ADV. ALONGWITH SH. S.P. GARG, AND SH. GAURAV TALWAR, COUNSEL FOR THE APPLICANTS.

VERSUS

1. Union of India through its Secretary, Ministry of Railways, Government of India, Railway Board, Rail Bhawan, New Delhi-110001.
2. Secretary, Ministry of Personnel and Training, Government of India, North Block, New Delhi-110001.
3. General Manager, Rail Coach Factory, Hussainpur, Kapurthala-144602.

....RESPONDENTS

BY ADVOCATE: SHRI G.S. SATHI AND SH. LAKHINDER BIR SINGH COUNSEL FOR RESPONDENTS NO.1 & 3.
SH. RAM LAL GUPTA, COUNSEL FOR RESPONDENT NO.2.

ORDER

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HON'BLE MR. JUSTICE L.N. MITTAL, MEMBER(J):-

In this Original Application, applicant no. 1 is Indian Railways Technical Supervisors Association (IRTSA). It has sued through its General Secretary Harchandan Singh. Applicants no. 2 & 3 are working President and Senior Joint Secretary respectively of IRTSA. Applicants no. 4 to 22 are individual employees who are also members of IRTSA. Annexure A-15 is list of members of IRTSA and it comprises of 2236 members.

2. The applicants who are Technical Supervisors in the Railways are working as Junior Engineers, Senior Sectional Engineers, Chemical and Metallurgical Superintendents etc. (previously designated as Shops Superintendent/Foreman etc.)

3. Case of the applicants is that as per report of 3rd Central Pay Commission (CPC), posts having maximum of the pay scales of not less than Rs. 900/- but less than 1300/- be classified in Group-'B'. The said recommendation was accepted by the Central Govt. and orders to this effect were issued by DoPT. Members of IRTSA were in the scale of Rs. 840-1040/- and 700-900/- under 3rd CPC and fulfilled the said criterion for grant of Group-'B' status, but were denied the same and were retained in Group-'C' . Similarly, 4th CPC recommended that posts having maximum of the pay scales not less than 2900/-, but less than 4000/- be classified in Group-'B'. The said recommendation was also accepted by the Central Govt. and order to this effect was also issued by DoPT. Senior Members of IRTSA were placed in the scales of Rs. 2375-3500 and Rs. 2000-3200/- and thus fulfilled the criterion for grant of Group-'B' status, but were again denied the same and were retained in Group-'C'. IRTSA filed O.A. NO. 836/1989 which was decided by the Principal Bench of the Tribunal vide order dated 21.02.1992 (Annexure A-9), directing the respondents to reconsider the matter of placing the members of the Association in the aforesaid scales of Rs. 2000-3200/- and Rs. 2375-3500/- in Group-'B' as has been done in the case of other govt. servants within a period of four months. Thereupon, the respondents by detailed speaking order dated 27.04.1992 (Annexure R-8) intimated that the claim of the applicants for Group-'B' status has been considered and rejected.

4. As per 5th CPC also, the applicants were entitled to Group-'B' status as per their scales, in view of criterion laid down by the DoPT, but the applicants were denied the Group-'B' status.

5. As per 6th CPC report, posts carrying Grade Pay of Rs. 5400/-, Rs. 4800/-, Rs. 4600/- and Rs. 4200/- in Pay Band -2 of Rs. 9300-34800/- have been classified as Group-'B'. The said recommendation stands accepted and DoPT issued order dated 09.04.2009 (Annexure A-1) classifying the Central Civil Posts carrying the aforesaid Grade Pay and Pay Band as Group-'B' posts. The applicants also have Grade Pay of Rs. 4200/- and Rs. 4600/- in Pay Band-2 of Rs. 9300-34800/-, but they have been denied the Group-'B' status and have been retained in Group-'C' vide Railway Board letter dated 08.01.2010 (Annexure A-2). The case of the applicants is that DoPT order (Annexure A-1) has been followed by other Ministries of Central Govt. and by some State Govts., but the Railways have not followed the same. According to the applicants, they are entitled to Group-'B' status in view of their Grade Pay of Rs. 4600/- and Rs. 4200/- in Pay Band-2 of Rs. 9300-34800/-. The applicants submitted various representations, but the same have been turned down. Feeling aggrieved, the applicants have filed this O.A.

6. Respondents no. 1 & 3 in their written statement made various preliminary submissions. It is interalia pleaded that members of IRTSA continued to be classified as Group-'C' right from the 1st CPC. Various grounds have been pleaded to keep the members of IRTSA in Group-'C'. The same shall be dealt with at the appropriate stage. It has also been pleaded that as per Rules of Business of Govt., DoPT

circulars regarding classification of posts do not apply to Railways. Accordingly, Railways classified their posts separately. It is also pleaded that letter dated 27.04.1992 (Annexure R-8) rejecting the claim of the applicants for Group-'B' status was challenged by IRTSA Madras Unit by filing O.A. No. 1038/1992, which was dismissed by Madras Bench of the Tribunal vide order dated 19.04.1994 (Annexure R-9). Similarly, O.A. NO. 2202/1992 filed by IRSTA through the same General Secretary Harchandan Singh and and also in his individual capacity, challenging the letter dated 24.07.1992, was dismissed by the Principal Bench of the Tribunal vide order dated 04.01.1996 (Annexure R-10). Reliance has also been placed on judgment dated 21.01.1998 (Annexure R-11) of Hon'ble Supreme Court in 'Indian Railway SAS Staff Association and Ors. Vs. UOI & Ors.' thereby holding that in the matter of classifications of posts, railways stand on different footing than other Ministries. Various other pleas were also raised.

7. Applicants filed replication wherein they controverted the stand of the contesting respondents 1 & 3 and reiterated their own version.

8. No separate written statement has been filed on behalf of respondent no. 2- (Ministry of Personnel and Training.)

9. We have heard counsel for the parties at considerable length and perused the case file with their assistance.

10. At the outset, it has to be noticed that the applicants are guilty of concealing material facts from the Tribunal and are also guilty of

misrepresentation of the facts. Applicant no. 1 IRSTA through its General Secretary Harchandan Singh had challenged the letter dated 27.04.1992 (Annexure R-8) by filing O.A. No. 2202/1992 in the Principal Bench, which was dismissed vide order dated 04.01.1996 (Annexure R-10). Similarly, Madras Unit of IRSTA filed O.A. NO. 1038/1992 which was dismissed by Madras Bench of the Tribunal vide order dated 19.04.1994 (Annexure R-9). However, these material facts were concealed by the applicants in the O.A. The applicant no. 1, IRSTA in the instant O.A., has sued through General Secretary Harchandan Singh as was the case in O.A. No. 2202/1992, which was dismissed by the Principal Bench of the Tribunal vide order dated 04.01.1996 (Annexure R-10). Inspite thereof, this material fact was not disclosed in the instant O.A. The applicants are liable to be non-suited solely on this ground. Moreover, the matter of grant of Group-'B' status to the applicants had attained finality with decision of previous O.A. No. 836/1989 vide order dated 21.02.1992 (Annexure A-9), rejection of claim of the applicants for Group-'B' status vide letter dated 27.04.1992 (Annexure R-8) and dismissal of O.A. No. 1038/1992 by Madras Bench of the Tribunal vide order (Annexure R-9) and O.A. No. 2202/1992 by Principal Bench of the Tribunal vide order (Annexure R-10), thereby rejecting the challenge to letter dated 27.04.1992 (Annexure R-8) and thereby upholding rejection of the claim of the applicants for Group-'B' status. The matter has thus already attained finality and was not required be agitated again by filing the instant O.A.

11. The instant O.A. is also barred by limitation. The applicants were placed in Group-'C' vide Board letter dated 08.01.2010

(Annexure A-2). The applicants could have filed the O.A. within 18 months thereafter i.e. six months for decision of the representation and one year for filing the O.A. thereafter. The O.A. could have been filed upto 08.07.2011. However, the instant O.A. was filed on 10.03.2014 i.e. two years eight months after the expiry of limitation period. No M.A. for condoning the delay in filing the O.A. has even been filed. The O.A. cannot be said to be within limitation on the plea that it is recurring cause of action.

12. Counsel for the applicants emphasised that according to DoPT order dated 09.04.2009 (Annexure A-1), the applicants fall in Group-'B' posts and, therefore, Railways order dated 08.01.2010 (Annexure A-2) being contrary to DoPT order (Annexure A-1) is untenable. It was also pointed out that DoPT order (Annexure A-1) has been implemented by various Ministries of Central Govt. and by some State Govts.

13. The aforesaid contention cannot be accepted. As per Rules of Business, the DoPT circulars regarding classification of posts are not applicable to Railways. Consequently, DoPT circular (Annexure A-1) is not applicable to the Railways. It was also so conveyed by Railways to DoPT vide letter dated 14.07.2009 (Annexure R-12) and no objection thereto was raised by DoPT. It is thus apparent that the Railways are not governed by DoPT order Annexure A-1 for classifications of posts. Consequently, Railway Board letter dated 08.01.2010 (Annexure A-2), classifying the applicants in Group-'C', cannot be quashed on the ground of being contrary to DoPT order (Annexure A-1).

14. Counsel for the applicants also referred to order dated 21.02.1992 (Annexure A-9) in O.A. No. 836/1999 titled Indian Railway Technical Supervisors' Association Vs. Union of India & Ors. However, said order has been implemented and the claim of the applicants regarding Group-'B' was reconsidered and rejected vide order dated 24.07.1992 (Annexure R-8) giving very detailed reasons and the same has been upheld by Madras Bench and Principal Bench of the Tribunal vide orders Annexure R-9 and Annexure R-10 respectively. Consequently, judgment dated 21.02.1992 (Annexure A-9) does not help the applicants in any manner and rather goes against them in view of letter dated 24.07.1992 (Annexure R-8) and orders at Annexures R-9 and R-10.

15. Counsel for applicants also referred to percentage of Group-'B' and Group-'C' posts in different Ministries and in Railways and contended that there are only 0.6% Group-'A' posts and 0.5% Group-'B' posts in Railways as compared to All India average of 3.9% Group-'A' and 7.3% Group-'B' posts. However, this argument is also distorted and misconceived. On specific query, counsel for the applicants did not respond as to what would be the percentage of Group-B posts in the Railways, if all posts carrying Grade Pay of Rs. 4600/- and Rs. 4200/- in Pay Band -2 of Rs. 9300-34800/- were included in Group-B. The respondents have, however, mentioned that at present there are approximately 9100 Group-A posts and 8200 Group-B posts in Railways and there are approximately 2,12,000 Group-C employees in Grade Pay of Rs. 4200/- and approximately 67,000 Group-C employees in Grade pay of Rs. 4600/-. If they are classified in Group-B, the number of Group-B posts would rise from

8200 approximately to 2,87,200/- approximately i.e. 36 times of the existing strength and accordingly it would raise the percentage of Group-B posts in Railways to 18%. It would be considerably high as compared to Group-B posts in other Ministries. Thus, the claim of the applicants for Group-B status on the basis of percentage of Group-B posts in Railways vis-a-vis other Ministries cannot be accepted in view of the aforesaid data.

16. Emphatic reliance on behalf of the applicants in support of their claim is on DoPT order dated 09.04.2009 (Annexure A-1). However, on this aspect also, the applicants have tried to mislead the Tribunal by omitting the explanation at the foot of the order. The said explanation (at page 241 of the paper-book being part of Annexure R-2) is to the following effect: -

> " Explanation: For the purpose of this order Pay Band, in relation to a post, means the running Pay Bands specified in Part-A, Section 1 of column 5 of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008."

This significant explanation has been omitted in order Annexure A-1 produced by the applicants. The applicants are thus guilty of producing incomplete order Annexure A-1 by attesting it to be true copy. The aforesaid explanation is very significant. According to the explanation, Pay Band means the Pay Band specified in first schedule to the Central Civil Services (Revised Pay) Rules, 2008 (in short the CCS (R.P.) Rules). The said Rules are, however, not applicable to the Railway employees. Railways have issued their separate revised Pay Rules of 2008. Consequently, classification of posts given in order (Annexure A-1) is not applicable to the Railway employees. Implementation of order (Annexure A-1) by other Ministries and some State Govts. has no bearing on its applicability to the Railway employees/applicants.

17. In the context of order (Annexure A-1) of DoPT, it is worth mentioning that DoPT issued O.M. dated 17.04.2009 (Annexure R-2) requiring the Ministries/Departments to send proposal to DoPT giving full justification for classifying the posts differently. Accordingly, Railways sent letter dated 14.07.2009 (Annexure R-12) intimating the DoPT that Railways were in the process of revising classification of Railways Services posts. Thus, order Annexure A-1 is not attracted to the Railway posts/applicants.

18. Counsel for the applicants also contended that the respondents are not seeking financial benefits and if they are granted Group-B status, it would not involve any financial burden or implication. However, counsel for the applicants also contended that the Railways are outsourcing certain Group-B posts by spending Rs. 287 crores whereas amount of Rs. 51 ~~crores~~ crores only is to be spent on the applicants on grant of Group-B status. Inspite of repeated queries, counsel for the applicants could not clarify the intrinsic contradiction in his aforesaid contentions. However, it may be mentioned that the respondents have specifically pleaded that placing the applicants in Group-B would give rise to number of functional and operational problems/difficulties. Besides it, if the applicants are placed in Group-B as claimed, it would give rise to demand for Stenographic assistance, pass entitlements etc. commensurate with Group-B status, resulting in financial implications, raising operational costs of railways without functional or organizational needs. In addition to it, Group-B officers would be of managerial level and nobody would be left to perform the functions which are presently being performed by the applicants.

19. Counsel for the applicants also referred to information obtained under the RTI Act as annexed with the rejoinder and contended that the Railways themselves in their noting justified re-classification of the posts of the applicants in Group-B. The contention is completely misconceived and untenable. Nothing of a junior functionary at lower level of Section Officer ~~lower level~~ is of no significance keeping in view the order dated 27.04.1992 (Annexure R-8) containing the detailed reasons for rejecting the claim of the applicants for Group-B status and keeping in view the stand taken in the written statement assigning numerous reasons for rejecting the said claim of the applicants.

20. Counsel for the applicants relying on judgment of Hon'ble Supreme Court in 1973 (1) SCC 651 titled ' Purshottam Lal and Others Vs. Union of India and Another' contended that Govt. is bound to implement the recommendations of the CPC in respect of all Govt. employees covered by the reference. This contention is also misconceived and the aforesaid judgment has no applicability to the instant case. In the reported case, petitioners were employees with the Forest Research Institute and Colleges, Dehradun and recommendations of the 2nd CPC were implemented in sister concerns of the said Institute, but not in the said Institute. It was on this basis that the aforesaid observation was made in the context of discrimination against the employees of the aforesaid Institute. It has no applicability to the issue involved in the instant case. Moreover, the aforesaid judgment is regarding grant of pay scales and not classifications of posts.

21. Counsel for the applicant also cited judgment of Hon'ble Supreme Court of 2001 (1) SCT 690 titled ' Kshetriya Kisan Gramin Bank Vs. D.B. Sharma' . However, this judgment goes against the applicants inasmuch as according to this judgment, it is for the expert bodies to evaluate the nature of duties and responsibilities of posts and the Court should not tinker with the same unless it is shown to have been made for extraneous considerations. In the instant case, experts of the Railways have determined for detailed reasons that Group-B status cannot be given to the applicants. There is no ground for the Tribunal to interfere with the same.

22. In addition to the aforesaid, the respondents have given several other justifications for rejecting the claim of the applicants for Group-B stratus. The same are being mentioned in brief:

22.1 Applicants continue to be classified as Group-C ever since 1st CPC. There is no fresh cause of grievance.

22.2 Indian Railways is multi disciplinary operational system and they are governed by separate set of rules.

22.3 Railway servants are governed by separate Railway Services (Revised Pay) Rules, 2008, Railway Services (Conduct) Rules, 1966 and Railway Services (Discipline and Appeal) Rules, 1968 and various other Rules. They are not governed by the Central Civil Services (Revised Pay) Rules 2008, Central Civil services (Classification, Control and Appeal) Rules, 1965 and other Rules applicable to other Ministries of

Central Govt. Consequently, Railway servants cannot seek parity with other Central Govt. employees who are governed by different set of rules.

22.4 Orders issued by DoPT for classification of posts even on the basis of earlier CPCs were not applied to the Railways.

22.5 Even DoPT vide O.M. dated 17.04.2009 (Annexure R-2) sought proposals from different Ministries/Departments for adopting different classifications than given in order Annexure A-1. Govt. of India (Allocation of Business) Rules, 1961 also exclude jurisdiction of DoPT in the matter of general policy regarding classification of posts and grant of Gazetted status in relation to Railway servants.

22.6 The Railway servants are specifically excluded from the Central Civil Services (Classification, Control & Appeal) Rules 1965 vide Rule 3(1) thereof. Similarly, Rule 2 of CCS (Revised Pay) Rules, 2008 read with explanatory memorandum(Annexure R-3) excludes Railway employees from the purview of the said Revised Pay Rules. Consequently, classification vide DoPT order Annexure A-1 is not applicable to the Railway servants.

22.7 As per Railway Servants (Revised Pay) Rules, 2008, existing classification of Railway servants in Groups-A,B,C & D will continue in the revised pay structure till further orders. The classification has been done on the basis of Revised Pay Rules vide letter dated 08.01.2010 (Annexure A-2). It may be mentioned that according to the said classification, even some

posts carrying Grade Pay of Rs. 4800/-, Rs. 5400/- and Rs. 6600/- (much higher than the Grade Pay of the applicants) in the same Pay Band-2 of Rs. 9300-34800/- have been ordered to continue to be classified as Group-C. Consequently, the applicants with Grade Pay of Rs. 4600/- and Rs. 4200/- in the same Pay Band cannot claim to be classified as Group-B merely on the basis of said Grade Pay and Pay Band.

22.8 In other Ministries, Group-B posts are Gazetted posts as well as Non-Gazetted posts. However, in the Railways, all Group-B posts are Gazetted posts. These are, therefore, much more stringent norms/procedure for appointment to said posts whereas norms/standards for Group-C posts are much lower.

22.9 Group-B posts in Zonal Railways constitute managerial level, exercising control over staff in lower grade. As such, if classification as per DoPT Order Annexure A-1, is adopted in the Railways, it would lead to drastic upheavals in hierarchical structure. Disciplinary powers enjoyed by Group-B Gazetted Officers of Railways cannot be entrusted to the staff in Grade pay of Rs. 4600-/ and Rs. 4200/- presently classified as Group-C.

22.10 There are number of categories of staff in various departments of Railways in Grade Pay of Rs. 4600-/ and Rs. 4200/- involving lacs of employees.

22.11 In view of its unique nature, Railways stands on different footing than the other Departments/Ministries of Central Govt./State Govts. Classification of posts in Railways is decided

keeping in view number of factors. Instructions issued by DoPT do not have much relevance for classification of Railway Services posts.

23 In addition of the aforesaid, judgment Annexure R-11 of Hon'ble Supreme Court also fortifies the stand of the respondents that in the matter of classification of posts, Railways stand on a different footing than other Ministries/Departments.

24. Letter Annexure R-8 rejecting the claim of the applicants for Group-B status also contains detailed reasons. The same has been upheld by orders at Annexures R-9 and R-10 of Madras Bench and Principal Bench respectively of the Tribunal. The same have attained finality and the matter cannot be reopened or re-agitated by filing the instant O.A.

25 Ministry of Railways also presents separate budget in Parliament. Railways are not governed by general budget presented by the Finance Minister.

26. In addition to the aforesaid, the applicants had also an opportunity to present their grievances before the 7th CPC which has already presented its report which is being processed by the Government.

27. For the reasons aforesaid, we find no justification for grant of Group-B status to the applicants. The O.A. is gross abuse of process of law because the matter had already attained finality with order dated 21.02.1992 (Annexure A-9), letter dated 27.04.1992 (Annexure R-8)

and orders dated 19.04.1994 (Annexure R-9) and dated 04.01.1996 (Annexure R-10). The O.A. is completely devoid of substance and is accordingly dismissed. No costs.

(JUSTICE L.N. MITTAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Dated: 12.03.2016
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