

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19179 of 2010

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Ganesh Kumar Biswas @G.K.Biswa S/O Late R.M. Biswas earlier posted as Sr.
T.C. Samastipur at present posted as DTTI, E.C. Railway, Narkatiaganj

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway,
Hazipur
2. The Chairman, Railway Board, New Delhi
3. The General Manager, North Eastern Railway, Gorakhpur
4. The Chief Personnel Officer, East Central Railway, Hazipur
5. The Divisional Railway Manager, E.C. Railway, Samastipur
6. The Divisional Railway Manager (Personnel), East Central Railway,
Samastipur
7. Awadhesh Kumar Singh S/O Late Gauri Shankar Singh R/O Sector-B, Khush
Lal Nagar Colony, Sindhora Road, Varanasi, Uttar Pradesh
8. Rizwanul Haque Khand S/O Late Noorul Haque Khan R/O Ward No. 15,
Samastipur
9. Gopi Chand S/O Late Kishun Ram R/O Vill.- Pundag, P.O.- Pundag, Distt.-
Ranchi, Jharkhand
10. Ram Chandra Sharma Azad S/O Late Kamal Sharma R/O Vill.- Karbadha,
P.O.- Samastipur, Distt.- Samastipur
11. Ram Chandra First S/O Ram Autar Paswan R/O Vill.- P.O.- Manjhaul, Distt.-
Begusarai
12. Md. Syed Ali Azad S/O Late Syed Ali Nazir R/O Railway Quarter No. T.IIC,
Samastipur
13. Ram Chandra Sah S/O Sri Iswar Sah R/O Vill.- Harpur Pusa, P.O.- Pusa, Distt.-
Samastipur
14. Ishwar Prasad Singh S/O Late Dhananjay Singh R/O Vill.- & P.O.- Jengore,
P.S.- Azam Nagar, Via Mahadeopur, Ditt.- Katihar
15. Shambhoo Rai S/O Late Badri Rai R/O Railway Quarter No. 454-B,
Gandhipark, Samastipur
16. Sanjay Kumar Sinha S/O Sri Satyanarain Sinha presently posted as TTE, East
Central Railway, Darbhanga

.... Respondents

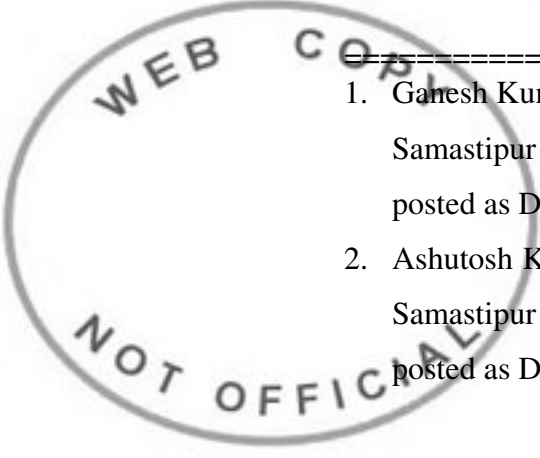
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With

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Civil Writ Jurisdiction Case No. 19228 of 2010

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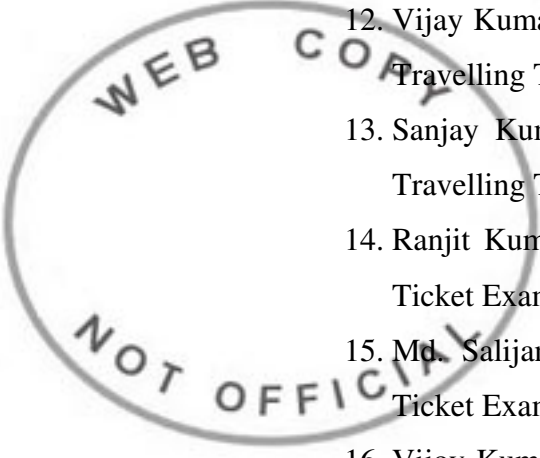
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1. Ganesh Kumar Biswas S/O Late R.M. Biswas earlier posted as TTE, 'A' Within Samastipur Division through DRM(P), E.C. Railway, Samastipur at present posted as DTTI, E.C. Railway , Narkatiaganj
 2. Ashutosh Kumar Singh S/O Rameshwar Singh earlier posted as TTE 'A' within Samastipur Division, through DRM (P), E.C. Railway, Samastipur at present posted as DTTI, E.C. Railway, Saharsa.

.... Petitioners

Versus

1. The Union of India through the General Manager, East Central Railway Hajipur, Distt.- Vaishali.
2. The General Manager, North Eastern Railway, Gorakhpur, Uttar Pradesh
3. The Divisional Railway Manager, East Central Railway, Samastipur Divison, Samastipur
4. The Divisional Rail Manager (Personnel), East Central Railway, Samastipur Division, Samastipur
5. Pramod Kumar Sharma S/O Late Jagdish Prasad R/O Barah Pathar, Ward No.- 24, Samastipur
6. Anjani Kumar 'Mukul' S/O Late Avinash Chandra Verma R/O Railway Quarter No.545-B, Gandhi Park, Samastipur
7. Paritosh Narain Pathak S/O Late Ganesh Pathak presently posted as Travelling Ticket Examiner, Grade 'A' at Darbhanga, East Central Railway
8. (a) Smt. Chinta Devi (Widow)
(b) Smt. Rekha Devi (Daughter)
(c) Sri Manoj Kumar Choudhary (Son)
(d) Smt. Rita Shukla (Daughter)
(e) Smt. Ritu Singh (Daughter)
All resident of village – Shankarpur, P.O. Kumbha, Sursand, District – Sitamarhi.
9. Kailash Chandra Mishra S/O Late Muneshwar Mishra presently posted as Traveling Ticket Examiner, Grade 'A' at Samastipur, East Central Railway
10. Amber Prasad Yadav S/O Late Dinaya Prasad Yadav presently posted as Traveling Ticket Examiner, Grade 'A' at Darbhanga, East Central Railway.

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11. Kailash Prasad S/O Late Ramapati Roy presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur, East Central Railway
 12. Vijay Kumar Sinha S/O Late Radhika Raman Prasad Sinha presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur, East Central Railway
 13. Sanjay Kumar Chakraborty S/O Chitranjan Chakraborty presently posted as Travelling Ticket Examiner, Grade 'A' at Darbhanga, East Central Railway
 14. Ranjit Kumar Sinha S/O Rajeev Prasad Sinha presently posted as Travelling Ticket Examiner, At Samastipur, East Central Railway.
 15. Md. Salijan Mansoori S/O Ismail Mansoori presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur, East Central Railway
 16. Vijoy Kumar Sinha S/O Narsingh Prasad Sinha presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur, East Central Railway
 17. Md. Mustafa Ansari S/O Md. Islam presently posted as Travelling Ticket Examiner, Grade 'A' Narkatiaganj, East Central Railway
 18. Sanjay Kuma Pandey S/O Late Devendra Pandey presently posted as Travelling Ticket Examiner presently posted as Travelling Ticket Examiner, Grade 'A' at Muzaffarpur (North), East Central Railway
 19. Dilip Kumat Sah S/O Late Butena Sah presently posted as Travelling Ticket Examiner, At Muzaffarpur(North), East Central Railway
 20. Jawahar Prasad Rajak S/O Late Banni Prasad Rajak presently posted as Travelling Ticket Examiner, at Saharsa, East Central Railway.

.... Respondents

With

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Civil Writ Jurisdiction Case No. 19302 of 2010

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1. Ganesh Kumar Biswas S/O Late R.M. Biswas Earlier Posted As TTE Grade 'A' at Muzaffarpur (North) through CITI Muzaffarpur (North) through DTTI Muzaffarpur within Samastipur Division Samastipur, E.C. Railway at present DTTI, E.C. Railway, Narkatganj
2. Ram Sanjeevan Rai S/O Late Jang Bahadur Rai at present posted as Senior DTTI at Samastipur through CITI, SPJ within Samastipur Division through Senior D.P.O., Samastipur, E.C. Railway.
3. Gulab Singh S/O Late Nanhak Singh earlier as TTE at Darbhanga through CITI Darbhanga within Samastipur Division under E.C. Railway presently posted as DTTI, E.C. Railway, Muzaffarpur

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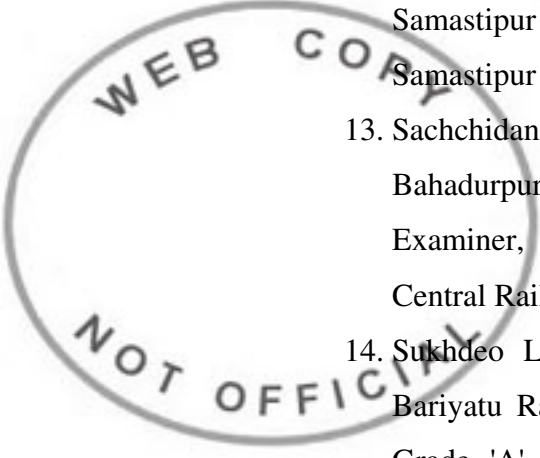
4. Ashutosh Kumar Singh S/O Late Rameshwar Singh, earlier posted as TTE Grade 'A' at Muzaffarpur through CITI Muzaffarpur within Samastipur Division under E.C. Railway presently posted as E.C. Railway, Saharsa
5. Vinod Kumar Gupta S/O Late Premlal, earlier posted as Senior T.C. at Raxaul through CIT, Raxaul Within Samastipur Division under E.C. Railway Presently Posted As E.C. Railway, Muzaffarpur

.... Petitioners

Versus

1. The Union of India through the General Manager East Central Railway Hajipur Distt.- Vaishali, Bihar
2. The General Manager, North Eastern Railway, Orakhpur, Uttar Pradesh
3. The Divisional Railway Manager, Samastipur Division Samastipur , E.C. Railway
4. The Divisional Railway Manager (Personnel) Samastipur Division Samastipur , E.C. Railway
5. C.R.P. Singh S/O Sri R.D.P. Singh R/O Railway Quarter No.- 396- A, Road No.- 5, Hospital Colony Samastipur , Distt.- Samastipur
6. Tej Bahadur Singh S/O Late R.N. Singh Presently Posted As Travelling Ticket Examiner, Grade 'A' At Narkatganj, Within Samastipur Division Under East Central Railway
7. Kesho Mahto S/O Late Faleshwar Mahto presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway
8. Raj Kishore Singh S/O Late P.N. Singh presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway.
9. Ranjeet Singh S/O Late D.C. Singh presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway
10. Bibhash Chandra Dutta S/O Late Rabindra Chandra Dutta R/O Quarter No.- T/L51-B, Laxmi Sagar Railway Colony, Darbhanga presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway
11. Ganesh Jha S/O Late Deokant Jha P.O. Hariharpur, Distt. Darbhanga presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within

Samastipur Division Under East Central Railway

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12. Ashish Shankar S/O Sri Timir Baran Shankar Bahadurpur Ward No.- 21, Samastipur presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway
 13. Sachchidanand Chaudhary S/O Late Kishori Mohan Choudhary R/O Bahadurpur, Ward No.- 21, Samastipur, presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway
 14. Sukhdeo Linda S/O Late Shibu Linda R/O Kanko Road, Dahutoli, P.S.- Bariyatu Ranchi, Jharkhand presently posted as Travelling Ticket Examiner, Grade 'A' At Samastipur within Samastipur Division Under East Central Railway
 15. Md. Ali Ikram Ansari S/O Late Md. Abu Jaffer R/O Vill And P.O.-Sara Mohanpur ,P.S.- Darbhanga Sadar, Distt.- Darbhanga presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur within Samastipur Division Under East Central Railway
 16. Om Prakash Narain Gupta S/O Sri Charitar Prasad presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur within Samastipur Division Under East Central Railway
 17. Uma Shankar Upadhyay S/O Late Sadanand Upadhyay presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur within Samastipur Division Under East Central Railway
 18. Gulab Thakur S/O Late Nand Lal Thakur earlier posted as Senior T.C. at Jhanjharpur through CTTI SPJ, within the Samastipur Division presently posted as Travelling Ticket Examiner, Grade 'A' at Samastipur within Samastipur Division Under East Central Railway
 19. Kailash Bihari Razak S/O Sri Ramraji Rajak earlier posted as TTE Grade 'A' at Muzaffarpur through CTTI Muzaffarpur within Samastipur Division within E.C. Railway Presently Posted As CTTI, E.C. Railway Darbhanga
 20. Gulam Rabbani S/O Late Md. Yunush earlier posted as TTE Grade 'A' at Muzaffarpur through CTTI, Muzaffarpur within Samastipur presently posted as DTTI, E.C. Railway, Saharsa
 21. Laxmi Narai Paswan S/O Mathura Paswan earlier posted as TTE Grade 'A' At Saharsa Through CTTI, Saharsa within Samastipur Division Under E.C. Railway

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.... Respondents

Appearance :

(In CWJC Nos. 19179 and 19228 of 2010)

For the Petitioners : Mr. Gautam Bose, Sr. Advocate
Mr. Ajay Kumar, Advocate
Mr. Vikash Jha, Advocate
For the Private Respondents : Mr. Y.V. Giri, Sr. Advocate
Mr. Amar Nath Mishra, Advocate
Mr. Sahjanand Sharma, Advocate
For the Railways : Mr. Anil Singh, Advocate

(In CWJC No. 19302 of 2010)

For the Petitioners : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Mukesh Kumar Singh, Advocate
For Respondent Nos. 1, 3 & 4 : Mr. Anil Singh, Advocate
For Private Respondents : Mr. Y.V. Giri, Sr. Advocate
Mr. Amar Nath Mishra, Advocate
Mr. Sahjanand Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 21-07-2015

Heard the parties and with their consent we are disposing of this group of writ petitions at this stage itself.

2. It appears that in Railways there is a cadre of Ticket Checking Staff or what is known as Ticket Checkers (TC). Originally, it provided for two distinct channels of promotion depending upon option exercised by the Ticket Collector which was basic grade and wherein entry is by direct recruitment. One channel was upon option being made, they would take the route of Train Ticket Examiner

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and onwards. This route or avenue of promotion was basically of Ticket Collectors who were on moving train duties (Travelling Ticket Examiners). Other optional route or optional avenue of promotion was from Ticket Collector to Senior Ticket Collector to Head Ticket Collector onwards. They were essentially ground staff on stations. It appears that Railways took a decision of restructuring these two channels or avenues of promotion and combining the same into one avenue of promotion (AVC), it was decided that this restructuring would be with effect from 1.1.1984. Thus, effectively those persons who were in the basic grade of TC as on 1.1.1984, would henceforth have a singular avenue of promotion which would combine TTE as well as Sr. Ticket Collector and onwards. As a logical consequence thereof, there would be some who would have opted prior to 1.1.1984 to move as per old avenue of promotion to TTE, or as the case may be, to Senior Ticket Collector. To obviate this problem, Railways decided that those who had moved from the basic grade of TC to either of the two channels of promotion prior to 1.1.1984, would continue in those channels of promotion/avenue of promotion up to the end and those who were TCs as on 1.1.1984, would thus proceed



in the unified singular avenue of promotion which was restructured accordingly.

3. It appears that the writ petitioners had already by 1.1.1984 being undisputedly senior to the private respondents, were promoted to Senior Ticket Collector. The private respondents being TCs on 1.1.1984, the date of restructuring, were now tied to the new singular avenue of promotion wherein both TTE and Sr. Ticket Collector etc. were combined. This restructuring and change in avenue of promotion having taken place it appears that there was not much of problem. Almost a decade later, the writ petitioners realized that the private respondents who were junior and who had gained through restructure singular avenue of promotion were gaining status faster. This caused a lot of resentment. They accordingly moved the Central Administrative Tribunal, Patna Bench, by filing OA No. 361 of 1996. They wanted the cut-off date to be shifted so that their promotion to the route of Sr. Ticket Collector would be after the cut-off date, thereby putting them in the basic grade of TC when restructuring was done. In this way, they would then being senior to the private respondents continue to take a march over them in the singular new avenue of promotion.



But while filing the Original Application and making prayer for setting aside the promotions that were granted to the private respondents, in the said proceedings, for some inexplicable reasons, none of the private respondents who were adversely affected were made a party. The Tribunal allowed OA No. 361 of 1996 by its judgment and order dated 10.12.2001. When the private respondents to these writ petitions came to know of this and were faced with severe adverse consequences, they challenged this decision of the Tribunal before this Court in CWJC No. 14028 of 2002 which was disposed of by order dated 17.12.2002 with the observation that it was open to them if they were aggrieved by the order of the Tribunal and were not party before the Tribunal, to approach the Tribunal for whatever relief they may have. With these observations in hand, the private respondents filed Review Application No. 22 of 2003 in OA No. 361 of 1996 and they filed two separate Original Applications being OA No. 12 of 2003 and OA no. 111 of 2003 before the Tribunal at Patna. They sought review of the order of the Tribunal as passed in OA No. 361 of 1996 simply on the ground that the relief sought for in that application was directly and adversely affecting them



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and the Tribunal adjudicated and passed final order adversely affecting them without making them a party. As such they prayed that the order of the Tribunal should be set aside. In the Original Application, prayer was to follow the decision of the Lucknow Bench of the Central Administrative Tribunal on the same issue which had been decided earlier being OA No. 275 of 1989 decided on 10th December 1990, which decision was not cited before the Tribunal, Patna Bench, on any earlier occasion though it was a decision squarely on the same issue. The Tribunal now heard the parties and literally quashed its earlier judgment and then following the judgment and order of the Lucknow Bench decided the issue accordingly though by a lengthy order. What was given by the Patna Tribunal on the earlier occasion to the writ petitioners was all taken away in these proceedings. Hence the writ petitions.

4. Shri Rajendra Prasad Singh and Shri Gautam Bose appeared in support of the writ petitioners, Shri Y V Giri for the contesting private respondents and Sri Anil Singh, learned counsel for the Railways.

5. On behalf of the writ petitioners it was first urged that the Tribunal had no power of review. In absence

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of any statutory power of review, it could not recall or set aside its earlier order. We have noticed this only for rejecting the same. Though the Tribunal in its order which is impugned before us has referred to Section 114 of the Code of Civil Procedure to show that where an order has not been appealed against, the Court can recall the order and then proceed to review. We do not commend the same. But ultimately what the Tribunal did was correct.

6. Review is done by an authority itself in respect of orders or decisions taken by it. Review is of two types – (a) a procedural review and (b) a substantive review. The distinction has been pointed out by the Apex Court in the case of **Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal** since reported in **AIR 1981 SC 606**, wherein the Apex Court has held thus :-

“13. The expression ‘review’ is used in two distinct senses, namely, (1) a procedural review which is either inherent or implied in a court or Tribunal to set aside a palpably erroneous order passed under a misapprehension by it, and (2) a review on merits when the error sought to be corrected is one of law and is apparent on the face of the record. It is in the latter sense that the



Court in Narshi Thakershi's case held that no review lies on merits unless a statute specifically provides for it, obviously when a review is sought due to a procedural defect, the inadvertent error committed by the Tribunal must be corrected ex debito justitiae to prevent the abuse of its process, and such power inheres in every Court or Tribunal."

7. In effect, what is said is that where an order has been passed following wrong procedure it can be set right by any Court or Tribunal, and this is inherent power, it is not to be conferred. In the present case, the first order of the Tribunal was passed against the parties and to their prejudice without they being made a party. Such an order was in fact a nullity. It became the duty of the Tribunal to recall that order when approached by the parties who are affected and re-hear the matter. This is exactly what has been done. This is what procedural review is.

8. Mr. Gautam Bose, learned Senior Counsel in support of the writ petitions on this respect relies upon a decision of Apex Court in the case of **Subhash v. State of Maharashtra** since reported in **AIR 2002 SC 2537**. This case arose out of an order of the Central Administrative

Tribunal constituted under the Administrative Tribunal Act itself and it deals with the power of review as conferred upon the Tribunal by virtue of Section 22(3) thereof. In our view, the said judgment talks about a substantive review and not a procedural review. As noted above, in the case of **Grindlays Bank (supra)**, the Apex Court has drawn distinction between substantive review and procedural review. The power of substantive review has to be specifically conferred because that power has to be exercised in the confines of the authorization by law to review. It is generally speaking review based on error on the face of the record. It does not permit a re-hearing on merit. Whereas, as noted in **Grindlays Bank (supra)**, procedural review is a power of review which inheres in every Court or Tribunal to correct procedural error. It need not be conferred by any statute or statutory provision. It is to correct an error *ex-debito justitio*. In the present case, as we have already noticed in the first application i.e. O.A. No. 361/1996, the applicants who are writ petitioners had sought a relief as against the private respondents. The private respondents were directly adversely affected but they were not made a party. The Tribunal adjudicated and passed orders



prejudicing the contesting respondents without making them a party. It is, therefore, a procedural review that was resorted to by the Tribunal on the second occasion when it virtually set aside the earlier order and heard the parties afresh. Apart from others, the writ petitioners and contesting respondents were before the Tribunal.

9. We may note that the respondents rightly filed the writ petitions before this Court. Remedy against such an order which has been passed without notice to the affected parties is as stated by the Apex Court in the case of **Shivdeo Singh v. State of Punjab** since reported in **AIR 1963 SC 1909**, wherein the Apex Court held that either a party can file writ petition or move in review. The same is reiterated by the Apex Court in the case of **Ram Janam Singh v. State of Uttar Pradesh** since reported in **AIR 1994 SC 1722**. Thus, the remedy to the private respondents against an order passed by the Tribunal in which they were not a party was either to move this Court in writ proceeding or seek review. They moved in writ proceedings but were advised to seek review. Accordingly, they filed the review application and by way of abundant caution the Original Application as well. Thus, the order of the Tribunal cannot be challenged

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on the grounds of procedural irregularities as there was none at the second stage.

10. Thus, having set the technical or a procedural aspect at rest, we may examine the controversy on merits. As noted in the beginning, there was a cadre of Ticket Checking Staff i.e. the Ticket Checker as the avenue of promotion which existed were two fold depending upon the options exercised, Railways decided to restructure the avenue of promotions to make it singular. In substance, what existed was, on the option of the basic grade Ticket Checker – Ticket Collector, they could take one of the two different avenues of promotion available. They were basically Ticket Collectors in running Train known as Train Ticket Examiner (T.T.E.) and onwards or in alternative they could be on the Platform as Senior Ticket Collector or Head Ticket Collector. Railways intended to merge these two promotional avenues into one new avenue of promotion (AVC). The Railways decided that effectively the date of restructuring would be 01.01.1984. But, by the time this decision was taken the writ petitioners who were the applicants in the first round of litigation before the Tribunal had moved from the basic Ticket Collector grade to Senior



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Ticket Collector. The Railways ultimately decided that the cut-off date would be 31.12.1983 and people posted at different places on that date would be considered accordingly. The decision in substance was that whoever on that date was in the Ticket Collector grade now moved according to the new avenue of promotion which was the unified avenue of promotion, but, if, on that date someone had already moved up in either direction i.e. Train Ticket Examiner or Senior Ticket Collector, then they would accordingly continue as per the old avenue of promotion till they were exhausted. This was decided in 1985, but when it came to implementation, initially no one complained. The writ petitioners who were the original applicants in the first instance do not seem to have made grievance. Respondents submitted the reasons that having taken the old track of Senior Ticket Collector, they admittedly being Senior to the contesting respondents were hoping to move fast in their avenue of promotion which they did for considerable period. But, the private contesting respondents to these writs then in the new unified avenue of promotion got faster promotion and eventually not only caught up with the petitioners but were all set to overtake. It is, therefore, in the year 1996



that the writ petitioners moved the Central Administrative Tribunal at the first instance and that is why they (petitioners) had sought cancellation of promotions being granted to the private contesting respondents, though they were not made a party to those proceedings.

11. The contention of the writ petitioners who were original applicants in the first round of litigation before the Tribunal was that their promotions ought to have been ignored and they should be brought back into the basic grade of Ticket Collectors before the cut-off date so that they being senior to the contesting respondents would remain senior now in the new unified avenue of promotion, and if, that is done, then the contesting respondents would remain junior and they would virtually get an accelerated promotions reaching higher than what they would normally in the old avenue of promotions. Thus, in a manner the setting of cut-off date becomes relevant.

12. On the other hand, on behalf of the private contesting respondents, it was submitted that setting of cut-off date cannot be challenged unless it has no rationale. Secondly, it was submitted that when this scheme was introduced they did not object it. They first objected by



moving the Tribunal after 10 years of the implementation of the scheme. The scheme was propounded in 1985 and the challenge in the Tribunal was made in the year 1996.

13. Having considered the matter, in our view, there is no irrationality in selecting the cut-off date. A date has to be set. It is not akin to a date out of the hat. First, the date of restructuring was set as 01.01.1984. That has to be fixed for all the time. First, a cut-off date was set as 01.12.1984, obviously, this could not be because the cut-off date cannot be beyond the restructuring date. It had to be brought back, and therefore, it was brought back to 31.12.1983 i.e. a day prior to restructuring. Thus, there cannot be any dispute about the cut-off date. By the time this was taken up in between 31.12.1983 to 01.12.1984, the petitioners had moved on the second track i.e. to Senior Ticket Collector. Therefore, as per the policy decision, they were to progress as per the old avenue of promotion. Whereas, the private contesting respondents who were in the basic grade of Ticket Collector had now to take the new unified restructured avenue of promotion charted out. In 1996, apparently the private respondents who were getting promotions in their avenue of promotion which would make





them comparatively senior or bring them to the same level of the writ petitioners who, as noted earlier, were in a different avenue of promotion. It is this that prompted them to move the Tribunal in the year 1996. The Tribunal now has taken the view of the Railways clearly noting that virtually there were three avenues of promotions though technically it was two, it is like a trident. The centre spoke is the new unified restructured avenue of promotion. The two adjacent are the old avenue of promotions as per option, those who had crossed into the side-spokes before the cut-off date stood tied to those avenues. Those left in the basic grade at that time would then proceed in the central unified channel. They being two different avenues of promotion. Persons in one avenue cannot make grievance of promotion granted to persons in the other distinct and different avenues. Therefore, we are of the considered opinion that the order of the Tribunal require no interference.

14. However, in fairness to Mr. Bose, learned counsel for the petitioners, we may notice one contention. He submits that after certain time the two or as the case may be, the three avenues of promotion i.e. the two earlier and the third the unified, meet at the point of Chief Ticket

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Inspector/ Chief Ticket Collector, at that time, a problem may arise. We are not here to speculate as to what may happen. It may require a decision depending upon the facts that appear when that contingency arises, if at all. We need not decide it today as that would be speculative.

15. Thus, for a slightly different reason we are not inclined to interfere in the order of the Tribunal. These writ applications are, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/A.F.R.

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