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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1030/2002

Thursday, this the 18th day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Bans Raj aged about 61 years,
Son of Shri Budhram,
Rtd. Rest House Chowkidar,
N.Rly Jind Delhi Division
R/o Village & Post Madiana
Distt: Ambedkar Nagar, (U.P.)

Applicant

(By Advocate : Shri H.P. Chakravarti and
Shri S.C. Saxena)

Versus

1. The Union of India through
The Chairman, Railway Board
Principal Secretary to
Govt. of India, Ministry of Railways,
Rail Bhawan, New Delhi
2. The General Manager,
Northern Railway, Baroda House,
New Delhi
3. The Divisional Railway Manager,
Northern Railway,
New Delhi

.. Respondents

O R D E R (ORAL)

By Shri S.A.T. Rizvi, M (A):-

Initially appointed as Khallasi in the Engineering Department of Northern Railway, the applicant came to be appointed as a Gangman in the same Department from which post, which was in the pay grade of Rs.200-250/-, the applicant was brought down to the post of Chowkidar in the pay grade of Rs.196-232/- on the basis that he has been medically declassified. The applicant's case is that thereafter a person junior to him has been upgraded to a higher pay scale whereas he has been left out and continued in the same pay grade.

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When he filed a representation, his claim was rejected by the respondents by an order passed on 29.11.2000 (A-I) which provides that the person junior to the applicant, namely, Shri Ram Baran was posted as Store Chowkidar in which cadre upgradation possibilities existed, whereas no such possibility exists in the case of a Rest House Chowkidar, which post the applicant happened to occupy, though both he and the aforesaid Ram Baran continued to work in the same Department. The fact that he had been found to be medically unfit has been pointed out in the aforesaid order of 29.11.2000, but it has not been clarified why the benefit of upgradation has been denied to him on that ground. The learned counsel further submits that in addition to the denial of the aforesaid benefit of upgradation, the benefit under the ACP Scheme has also not been granted to the applicant although this matter has been referred to the DRM. *Denial of promotion/upgradation, while granting the same to a junior in the same department is, according to him, illegal and against the rules.*

2. After receiving the aforesaid rejection letter dated 29.11.2000, the applicant has made a further representation on 22.11.2001 raising different issues which, according to him, need to be gone into. The applicant still awaits a response to the aforesaid representation.

3. Having regard to the submissions made by the learned counsel and the facts and circumstances of the case, we are inclined to feel that it will be just and proper to dispose of the present OA at this very stage even without issuing notice with a direction to the

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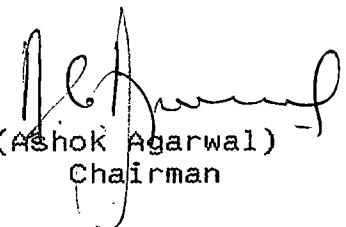
respondents to consider the representation filed by the applicant on 22.11.2001 and to pass a reasoned and a speaking order thereon within a period of two months from the date of receipt of a copy of this order.

4. The present OA is disposed of in the aforesated terms.



(S.A.T. Rizvi)
Member (A)

/pkr/



(Ashok Agarwal)
Chairman