

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1049/2001

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New Delhi, this the 10th day of October, 2001

HON'BLE MR. S.A.T. RIZVI, MEMBER (J)

Nathu Lal Meena,
Driver "A" Spl.
Northern Railway
Dehradun

Residential Address

Nathu Lal Meena,
Qr. No. 11, Railway Colony,
Dehradun

Applicant

(By Advocate : Shri G.D. Bhandari)

Versus

Union of India, through

1. The General Manager,
Northern Railway HQs Office,
Baroda House, New Delhi
2. Divisional Railway Manager,
Northern Railway,
Moradabad

.... Respondents

(By Advocate : Shri R.L. Dhawan)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. The applicant while working as a Driver Mail/Dehradun in the pay scale of Rs.6000-9000/- on becoming eligible for promotion to the post of Crew Controller applied for the same and was found suitable after the screening test held in August, 1999. Accordingly he was posted as Crew Controller in the pay grade of Rs.6000-9800/- by respondents' order dated 2.12.1999. However, he was not allowed to join the said post in view of the orders passed by the respondents and placed at Annexure A-1 whereby the aforesaid order dated 2.12.1999 has been kept in abeyance without assigning any reason.

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3. The learned counsel appearing on behalf of the respondents submits that the impugned decision has been taken in view of the decision taken by the DRM/ADRM during joint meetings with the recognised unions held on 2.12.1999 and thereafter again on 31.1.2000 and 3.2.2000. The following order has been passed by the ADRM in the wake of the said meetings.

"Since the work is suffering fat various station for want of posting of Crew Controller and till such time the dispute of Shedman Dehradun & Haridwar is finalised at least the panel may be allowed to be operated and the posting order of the staff in panel be issued except for the station Dehradun & Haridwar."

4. Following the aforesaid decision, the respondents have posted four Crew Controllers by way of promotion leaving out the applicant, who had already been posted in the vacancy available at Dehradun by the respondents' order of 2.12.1999. According to the learned counsel for the respondents, the promotion of the applicant has been kept in abeyance to allow the respondents time to settle the controversy raised on behalf of Shedmen who are also aspirants for promotion to the post of Crew Controller. The learned counsel admits that Shedmen are not eligible for being considered for promotion to the post of Crew Controller in accordance with the existing Recruitment Rules. In view of this position, the learned counsel appearing for the applicant contends that the orders of promotion already issued should be implemented without any delay as the decision taken by the ADRM/DRM to keep the order in question in abeyance as illegal and runs counter to

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the provisions of the Recruitment Rules. He also submits that the decision taken by the ADRM/DRM after holding meetings with the Unions does not have the sanctity of a decision taken in a PNR meeting. For this reason also there is no justification for not filling up the post of Crew Controller at Dehradun.

5. For the reasons mentioned in the preceding paragraphs, the OA succeeds and is allowed. The order dated 3.12.1999 (Annexure A-1) is quashed and set aside. The respondents are directed to allow the applicant to join at Dehradun on the post of Crew Controller without any delay.

6. The OA is disposed of in the aforesated terms. No costs.



(S.A.T. RIZVI)
MEMBER (A)

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