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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1723/99

New Delhi, this the 1st day of September, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sh. Prempal Sharma,
S/o Pt. Bhim Sen,
R/o A-18, Bhagwati Gali,
No.1, Brahampuri, Shahdara,
Delhi. Applicant
(By Advocate: None)

VS.

1. Ministry of Railways,
through Chairman Railway Board,
Rail Bhawan,
New Delhi.
2. Northern Railway,
through its General Manager,
Northern Railway Headquarters,
Baroda House,
New Delhi.
3. Senior manager,
Printing & Stationery,
Northern Railway,
Printing Press, Shakurbasti,
Punjabi Bagh, Delhi. Respondents
(By Advocate: Sh. R.L. Dhawan)

ORDER (ORAL)

By Hon'ble Mr. Govindan S. Tampi

The applicant was appointed as Machine man on 31.10.69 in Printing Press, Shakurbasti and subsequently he was promoted as Mistry which was a feeder grade for promotion to the post of J.E. II in Machine Section in the pay scale of Rs.4500-6000. The post of JE-II was created permanently for Machine Section of the Printing Press on 25.7.95 and when the post fell vacant on 31.5.99 the process was initiated for selection for the said post from January, 1998. The applicant was No.1 in the seniority list for being considered for the

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post but was not so considered for the post. Instead persons from other sections were considered. Representation of the applicant was disposed of by the reply that ~~alternatively~~^h post has been transferred and that the promotion to the post was being made from the candidate belonging to Stereo Section. Hence this application.

2. Reply has been filed by the respondents. It is submitted that there were 7 sections in the Northern Railway Printing Press at Shakurbasti, but only 5 posts of Jr. Engineer (II). It was, therefore, decided that due to reduction in day to day activities in Mono and Stereo Section there is no need to pin point the Jr. Engineer (II) exclusively/independently for these Sections from administrative point of view. It was, therefore, decided to combine the post of Jr. Engineer (II) for Mono Section as well as Composing Section and that of Jr. Engineer (II) for Stereo Section as well as Machine Section on floating basis. The remaining 3 posts of Jr. Engineer (II) have been earmarked for Binding Section, Maintenance Section and PCO/Work Order Section etc. That being the case the vacancy which arose in Machine Section was to be filled up by the person in the feeder cadre from Stereo Section. The same was correct, argue the respondents. It is also urged by him that as the applicant has already retired, the question of considering him, by subjecting to a test does not arise.

3. We have carefully considered the matter. Though the applicant does not appear to be interested in pursuing the matter and is not appearing, we decide this matter on the basis of the records available, after hearing the counsel for respondents. There are 7 sections in the Northern Railway Printing Press at Shakurbasti. It has been decided as a policy matter the posts of Jr. Engineer (II) for Mono Section

and the Composing Section will be one while that for Machine Section and Stereo Section will be one. It would, therefore, follow that persons of the feeder cadres from both the Sections should be eligible for consideration for promotion to Jr. Engineer (II). That being the case denying the persons from Machine Section for promotion when the post of Jr. Engineer (II) and restricting it only to those from Stereo Section are incorrect. Learned counsel for respondents raised another plea that the applicant had not impleaded other respondents, as brought out is a decision. The same relates to a case which was considered that Article 226 of the Constitution and not to the AT Act. We are, therefore, not convinced that the respondents' reliance on the decision is relevant. The applicant should have been considered for the post and if found fit he should have been promoted. Applicant has retired on 20.6.2000 where the selection proceedings have been initiated in July 1999 itself; when the person was still in service.

4. We, therefore, allow the application and direct that the applicant should be considered, as deemed to have been promoted from the date of vacancy arose with all consequential benefits. OA is, accordingly, allowed with cost of Rs.2000/-.

(GOVINDAN S. TAMPI)
Member (A)

(V. RAJAGOPALA REDDY)
Vice Chairman (J)

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