

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.NO. 787 of 19 95

Date of Decision \_\_\_\_\_

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Kishori Lal Applicant(s)

Sh. K. Patel Advocate for the Applicant(s)

Versus

UOI and others Respondent(s)

Shri. R. D. Karam Advocate for the Respondent(s)

C O R A M: (Single/Division)

Hon'ble Shri R. K. Ahuja, Member (A)

Hon'ble Shri \_\_\_\_\_

1. Whether Reporters of local papers may be allowed to see the Judgement?

~~Yes~~/No

2. To be referred to the Reporter or not?

Yes/~~No~~

R. K. Ahuja  
(R. K. AHUJA)  
Member (A)

Central Administrative Tribunal  
Principal Bench

O. A. No. 787/98

Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 1<sup>st</sup> day of May, 1999

Shri Kishori Lal  
s/o Shri Sita Ram  
Gangman working in the office of Senior Engineer  
Permanent Way (SRIWP)  
Moradabad. ... Applicant

(By Shri K.K. Patel, Advocate)

Vs.

1. Union of India through General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. Divisional Railway Manager  
Northern Railway  
Moradabad.
3. Divisional Engineer  
Northern Railway  
Moradabad Division  
Moradabad. ... Respondents

(By Shri R.L. Dhawan, Advocate)

O R D E R (Oral)

The applicant joined as Casual Labour in 1975 and was regularised as Khalasi on 17.4.1980. Thereafter he was empaneled as Gangman w.e.f. 1.4.1984. He states that he has through out been working as Welder and has the technical qualification of welder and is eligible for promotion as skilled artisan, welder but the respondents wrongly have ~~been~~ denied his promotion giving preference to his juniors.

2. The respondents in the reply have raised a preliminary objection that the OA is not maintainable as the applicant is working as Gangman in the office of Senior Engineer, PWI, Muradabad <sup>which</sup> does not come within the territorial jurisdiction of the Principal Bench. On

Dr

To be responded  
Dr

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merits they say that the applicant has a Gangman is not eligible for promotion as Welder. According to the respondents, the applicant is eligible for promotion as Key Man and Mate and would be considered for the same as per Rules. I have heard the counsel. Shri K.K.Patel, the learned counsel for the applicant submits that since the respondents have not complied with the Rules framed by the Railway Board, in regard to the promotions, the Principal Bench has jurisdiction in the matter. I am unable to agree with this view. The applicant is aggrieved by an order issued by Assistant Executive Engineer, Northern Railway, Muradabad. If the argument of the applicant would be accepted the Principal Bench would have jurisdiction in all service matters pertaining to the Central Government since in most cases the basic Recruitment Rules are framed and notified by the Central ministries from Delhi. More over <sup>no</sup> application has been moved under Section 25 of the CAT Act, read with Rule 6 of the CAT (Procedure) Rules, the objection raised by the respondents is <sup>held</sup> to be valid. Accordingly the OA is dismissed as not maintainable.

*(Signature)*  
 (R. K. Shooja)  
 Member (A)

/rao/