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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2036/97

New Delhi, this the 18th day of March, 1999.

Hon'ble Mr. V. Rajagopala Reddy, Vice-Chairman(J)
Hon'ble Mr. K. Muthukumar, Member(A)

Shri Gurpreet Singh,
S/o Sh. Balwant Singh,
R/o 132/9, Ajmeri Gate,
New Delhi. ...Applicant

(By Advocate Shri S.S. Tewari)

versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway,
New Delhi Railway Station,
New Delhi.

3. Divisional Personnel Officer,
DRM Office, Northern Railway,
New Delhi Railway Station,
New Delhi.

... Respondents

(By Advocate Shri P.S. Mahendru)

O R D E R

By Hon'ble Mr. V. Rajagopala Reddy, Vice-Chairman(J)

The applicant is a works khallasi. He is aggrieved by the action of the respondents in not calling him for selection held on 6.9.97 for promotion to the posts of Clerks-cum-Typists. His grievance is that similarly placed works khallasis have been called for the interview but he was discriminated and hence he was deprived of the right for consideration for promotion. An interview was held for selection for the posts of Clerks-cum-Typists grade Rs. 950-1500 (RPS) on 6.9.97. Certain staff of class IV office were found to be eligible to appear in the selection. It is contended

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by the learned counsel for the applicant that persons figuring at serial No.10, 31, 39 and 42 are similarly placed as the applicant as they are also working as works khallasis and they were invited for interview and without any reason the applicant was not called for interview.

2. In the counter affidavit it was stated that the works khallasis are not eligible for the posts of Clerks-cum-Typists and the works khallasis are only eligible for promotion as Artisan Grade II and I respectively. The contention that similarly placed works khallasis were called for the interview was denied. It was stated in the counter-affidavit that Class IV staff in the grade Rs.750-940 and other people were invited for interview. As the applicant was working only as a works khallasi under the Land Control Inspector, he was not eligible to be considered for selection to the post of Clerk-cum-Typist. It was stated that the employees at serial No.10, 31, 39 and 42 are office khallasis and not works khallasis.

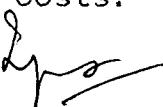
3. In view of the above counter affidavit it is clear that the applicant was not eligible for promotion to the post of Clerk-cum-Typist in the grade of Rs.950-1500. No rules are brought to our notice to determine whether the applicant is eligible for promotion to the above post. This OA was filed only on the basis of the letter wherein certain persons were called for interview. Since it was stated in the counter that works khallasis of the

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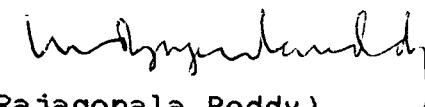
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category of the applicant are not called for interview the applicant can have no grievance. We do not, therefore, find any discrimination perpetuated by the respondents against the applicant. In the circumstances there is no merit in the OA. It is liable to be dismissed. It is accordingly dismissed.

No costs.


(K. Muthukumar)

Member(A)


(V. Rajagopala Reddy)

Vice-Chairman(J)

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