

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1061/2000

New Delhi, this 20th day of September, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

Raghubir
17-E, Railway Colony
Kaithal

.. Applicant

(By Shri T.D. Yadav, Advocate)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Superintending Engineer(NR)
DRM Office, N.R.
New Delhi RS, New Delhi
3. P.W.I. Kaithal
Northern Railway

.. Respondents

(By Shri R.L.Dhawan, Advocate)

ORDER(oral)

By Shri M.P. Singh

Applicant has filed this OA under section 19 of AT Act, 1985 seeking direction to the respondents to consider his case for being posted as Trolleyman (TM, for short). He has also sought direction to the respondents to dispose of his representation dated 2.7.99.

2. Applicant has been working as Gangman. He was occasionally being made to do the work of a TM since 1.6.95. Thereafter he was continuously working as a TM for about 10 months till 2.5.2000 when his juniors Rajpal and Devi Dayal, both Gangmen, have been posted as TM by order dated 17.4.2000. Applicant has submitted a representation on 2.7.99 to consider him for appointment

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as TM but till now no reply has been received by him. Therefore, he has filed this OA seeking the aforesaid reliefs.

3. Respondents in their reply have stated that the posts of Gangman and TM are in the same scale of pay. The duties of TM are to push trolley occupied by trolley holder to stop, start and control as and when directed by the trolley holder. Trolley holder has to post a gangman of his confidence as TM due to sensitive nature of job. According to the respondents, TM is not a promotional post to that of Gangman and seniority is not the criteria for posting of Gangman as TM. Therefore, the applicant is not entitled for the reliefs prayed and the OA be dismissed.

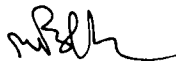
4. Heard both the learned counsel for the rival contesting parties and perused the records.

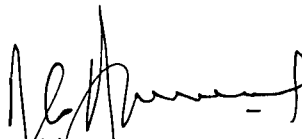
5. During the course of the arguments, learned counsel for the applicant submitted that since the representation of the applicant is still pending with the respondents, they may be directed to decide his representation. On the other hand, learned counsel for the respondents submitted that no such representation has been received from the applicant in the office of respondents.

6. On merits, from the records placed before us, we find that the posts of Gangman and TM are in the same pay scale. It is a settled principle that posting of persons in departments in a particular job comes within the domain of the executive and Court/Tribunal cannot interfere in such matters. Since the work of TM is of

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supervisory nature, applicant cannot have a claim, as a matter of right, for appointment to the post of TM. Since the post of TM is not a higher promotional post and no junior persons to the applicant have been promoted to the higher post, applicant is not entitled for any relief as prayed. The OA is devoid of merit and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

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