

Central Administrative Tribunal
Principal Bench

O.A. No. 1919 of 2000

C.P. No. 378 of 2000

(5)

New Delhi, dated this the 2nd JANUARY, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri V.P. Pachouri,
S/o Shri S.R. Pachouri,
R/o 205, B-3,
Western Railway Colony,
Tughlakabad,
New Delhi-110044.

.. Applicant

(By Advocate: Shri K.K. Patel)

Versus

Union of India through

1. General Manager,
Western Railway,
Church Gate,
Mumbai.

2. Divisional Railway Manager,
Western Railway,
Kota Division,
D.R.M. Office, Kota.

3. Sr. Divisional Electrical Engineer,
Electrical Loco Shed,
Western Railway,
Kota Division,
IRS Tughlakabad,
New Delhi.

.. Respondents

(By Advocate: Mrs. Meera Chhibber)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 20.7.2000 (Annexure A-1). He seeks a direction to respondents to conduct selection for the post of Janitor and consider him for the aforesaid post in case he qualifies. He also seeks arrears of pay scale of Janitor on which post he claims to have been officiating since 16.8.95.

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2. Heard both sides.

3. Applicant was admittedly working as Electric Fitter Grade I (Rs.1320-2040). Applicant claims that he was posted as Janitor vide order dated 16.8.95 (Annexure 3) but has been dislodged from that post to make way for one Shri Dipak Kanaujia vide respondents' order dated 26.5.2000 (copy taken on record).

4. Respondents deny that there is any post of Janitor in Electrical Loco Shed, Tughlakabad. They state that there is a janitor section there whose responsibility is the general cleanliness of the railway station which is manned by existing employees drawn from other sections but there is no post of Janitor there, and references to the post of Janitor in some correspondence, whose copies are on record, is because the term 'Janitor' has been used loosely.

5. Applicant has not been able to show any authentic official document where the post of Janitor in a particular pay scale has been included in the cadre of Electrical Loco Shed. If indeed applicant was working against the post of Janitor since 1995, he has not explained why in his own representations dated 19.5.98 (Annexure R-III to respondents' reply) he describes himself as Electric Fitter Grade I or Technician Grade I.



6. Further the order regarding Shri Kanaujia
which is dated 26.5.2000 (copy taken on records)
refers to him as having been promoted as master
craftsman and not as Janitor.

7. In the absence of any materials furnished
by applicant, to establish that there is a distinct
post of Janitor in Electrical Loco Shed, Tughlakabad
with a clearly defined pay scale higher than the one
in which applicant is presently in, and the manner of
filling up that post of Janitor as per rules and
instructions is selection, in which applicant is also
ineligible, no direction of the sort prayed for by
applicant can be issued. The O.A., therefore,
warrants no interference.

8. As applicant has not been able to
establish that there is a distinct and identifiable
post of Janitor from which he was removed, the
question of directing respondents to take him back in
that post does not arise.

9. O.A. No. 1919/2000 and C.P. No.
378/2000 are, therefore, dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)