

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.2106/89

New Delhi: January 2, 1995.

HON'BLE MR. S.R.ADIGE, MEMBER(A),

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Madho Singh s/o Shri Chander Singh,
r/o 47/8C, Choti Mor Sarai,
Delhi Main, Delhi.

.....Applicant.

By Advocate Shri Mahesh Srivastava.

Versus

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

.....Respondent.

(None for the respondent).

JUDGMENT(ORAL)

By Hon'ble Mr.S.R.Adige, Member (A).

In this application, Shri Madho Singh, Fitter
has
Loco shed/prayed for a direction to the respondent
to reinstate him as a Break Down Crane Driver with
all benefits and continuity, and in the alternative to
appoint him as a Break Down Crane Driver 140 Tons.

2. From the copy of notice dated 11.10.86
(at Annexure-A1 to the rejoinder) filed by the
applicant, it appears that having been declared
suitable to operate 65Ton Break Down Steam Crane, he
was appointed to officiate as a Crane Driver in the
grade of Rs260-400(RS) by down grading the post of B.D.
Crane 65 Tons grade Rs.330-480 and Rs.260-400(RS)
purely as a temporary measure till such time regular
qualified person is posted against that vacancy.
It appears that subsequently this adhoc arrangement was
discontinued.

3. From the materials on record, it further
appears that the post of Crane Driver is a promotion

post, for which the post of Fitter held by the applicant does not constitute the feeder category. However, Shri M. Srivastava, for the applicant contends that fitters, who have qualified in the prescribed tests, have been put to work as Crane Drivers and because the applicant was eligible for the post of Crane Driver, he was put to work as such.

4. From the rejoinder, filed by the applicant, it also appears that the applicant had not only been found fit to operate 65 Tons Break Down Steam Crane, and his performance was found to be satisfactory vide copy of applicant's performance sheet at Annexure-A3 to the rejoinder.

5. Keeping in view these facts, this application is disposed of with the direction that if and when the respondents take steps to fill vacancies to the post of Crane Driver, they should also examine the claims of the applicant for promotion/appointment to such post, strictly in accordance with the extant rules and instructions on the subject, and dispose of his claim by a speaking and reasoned order under intimation to the applicant. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J).

S.R. Adige
(S.R. ADIGE)
MEMBER (A).