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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2108/93.

New Delhi, this the sixth day of May, 1994.

SHRI J.P. SHARMA, MEMBER(J).

SHRI S.R. ADIGE, MEMBER(A).

G.C. Thagale,
son of late Shri Devi Prasad,
resident of 80, behind Maharana Pratap School,
Pushpanjali Colony,
Mukhtyar Ganj,
Ward No.2, Satna (M.P.).

...Applicant

By advocate : Shri H.P. Chakravorty.

V E R S U S

1. Union of India, through Ministry of Railways,
Railway Board, New Delhi, through its Chairman.
2. General Manager, Central Railway, Bombay V.T.
3. Divisional Railway Manager, Central Railway,
Jabalpur.

...Respondents

By advocate : Shri H.K. Gangwani.

O R D E R (ORAL)

SHRI J.P.SHARMA :

The applicant is working as Assistant Mechanical Foreman in the Central Railway at Jabalpur in the grade of Rs.2000-3200 (RPS). The respondents have notified the selection for the post of AMF grade Rs.2000-3200 in the Fitter group of S.H.K. Steam cadre by the O.M. dated 5-1-1993 and the applicant has also been called to take the selection for the post, i.e., in the grade of Rs.2000-3200. The grievance of the applicant is that the respondents have conducted a selection in the year 1976 and the applicant appeared in that selection and having qualified, he was empanelled by the order dated 1-3-1977. He was posted in the grade of Rs.700-900 and further he also due to certain upgradation of cadre was promoted to the grade of Rs.840-1040 on which post he

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continued till 15-2-1980 when he was reverted to the grade of Rs.700-900. Since then, the applicant without facing any reversion continued on the post of Assistant Mechanical Foreman in the grade of Rs.2000-3200. The respondents, therefore, could not trade test him second time when he had already qualified in the trade test held in 1976 and empanelled in March, 1977.

2. The applicant has in this application after making representation to the railway board prayed for the relief that the respondents be directed to exempt the applicant from taking the trade test/selection for the post of Assistant Mechanical Foreman and further he has also prayed that he should be promoted as Mechanical Foreman in the scale of Rs.2375-3500.

3. A notice was issued to the respondents to file their reply but inspite of repeated opportunities given since 6-10-93, the respondents have not filed any reply. However, Shri H.K. Gangwani appeared and argued the matter on the baiss of comments available with him. The learned counsel for the applicant only prays that his representation pending with the railway board be disposed of. We have also considered the case regarding the fact of calling the applicant for trade test/selection for the grade of Rs.700-900/2000-3200 by the O.M. of 5-1-93. In fact, if a person has already been empanelled as stated by the applicant and substantiated by document, in the panel of 1-3-1977, he cannot be subjected to another trade test/selection. However, the facts in this respect are not clear. It appears from the record also that the applicant was also placed in the scale of Rs.840-1040 and he was again reverted in February, 1980. The scale of Rs.450-575 and scale of Rs.700-900 were merged together sometimes in

the year 1973. We have taken this in the argument addressed by the learned counsel for the applicant but there is no verification of this statement by filing a document on record.

4. Regarding the promotion to the grade of Rs.2375-3500, it is stated by the learned counsel that the post of Mechanical Foreman is not a selection post and it is filled up by promotion of Assistant Mechanical Foreman on the basis of seniority-cum-fitness. Since we are not dealing the issues involved on merits, we are not considering any of the points raised in the original application. However, we direct the respondents to dispose of the representation pending with the railway board of the applicant within a period of three months from the date of receipt of the copy of this Ordedr. In case, the representation is not traceable, the applicant may make a fresh application within a month from today and thereafter the respondents shall dispose it of within the aforesaid period. O.A. is accordingly disposed of. Costs on parties.

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

J.P. Sharma
(J.P.SHARMA)
MEMBER(J)

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