

## CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. NO. 730/93New Delhi: this the 11<sup>th</sup> day of October, 1996.

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

HON'BLE DR. A. VEDAVALLI MEMBER (J).

Than Singh S/o Shri Mal Singh,  
 Head Trolleyman, under Asstt. Engineer,  
 Shamli De lhi Division. ....Applicant.

By Advocate: Shri G. S. Begar.

Versus

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

2. The Divisional Personnel Officer,  
 Northern Railway, Paharganj,  
 New Delhi.

3. The Asstt. Engineer,  
 Northern Railway,  
 Shamli Distt. Muzaffarnagar,

4. Shri Ramesh Kumar,  
 S/o Shri Hari Dhar, Clerk  
 Working under IDW, Shamli,  
 Northern Railways, Shamli,  
 Distt. Muzaffar Nagar (UP)

.....Respondents

By Advocate: Shri R. L. Dhawan.

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

Heard:

2. Admittedly the applicant was working as a Head Trolleyman under PWI Shamli. He was promoted as Materials Clerk vide order dated 8.12.86 (Annexure-A1 of OA) but respondents state that this promotion was against a work charged post under PWI Baraut which was a purely temporary arrangement with the stipulation that it would

confer no rights upon the applicant and in any case this order was never given effect to, because no work charged post was actually made available. These averments made by respondents in their reply have not been denied by applicant in his rejoinder.

3. That apart, the applicant being a Trolleyman in Civil Engineering Department has his own channel of promotion as Key Man and mate vide Rule 181 IREM Vol.I (Revised 1989 Edition). The post of materials Clerk belongs to office establishment, and it is clear from Northern Railway Circular dated 22.9.64 (Annexure-R 18) that promotion of Class IV Staff to Class III posts like Materials Clerk is confined to those Class IV Staff working in offices and not those working on the line such as the applicant.

4. Shri Bagar has drawn our attention to the note occurring below the Organisational Chart of office Clerks and Typists in Office Establishment appended to Circular dated 22.9.64 at Annexure-R 18 but even that speaks of Class IV Staff employed in office and not those employed on line such as the applicant.

5. This view is further confirmed by para 10 of the CAT Jodhpur Bench judgment dated 1.2.94 in OA No.336/92 Girish Chandra Vs. WDI & others which directed the exclusion of those from consideration for promotion as Office Clerks of those Group 'D' Staff in the

Engineering, Mechanical, Electrical, Signal and Telecommunication Department as they were not eligible for the same.

6. The applicant has an enforceable legal right to be considered for promotion in his own channel of promotion, but not in another channel.

7. In the result, the OA warrants no interference; it fails and is dismissed. No costs.

*A Vedavalli*  
( DR. A. VEDAVALLI )

MEMBER (J)

*S.R. Adige*  
( S.R. ADIGE )

MEMBER (A)

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