

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

BENCH ALLAHABAD

Allahabad: this the 01 day of ~~0~~June 2000

ORIGINAL APPLICATION NO. 129/96

CORAM

Hon' Mr. S.K.I Naqvi.J.M.

Hon' Mr. M.P Singh.A.M.

Vijay Kumar Pandit son of Sri Lakshman Pandit, aged about 40 years, presently working as Junior Clerk in Concrete Sleeper Plant, Northern Railway, Subedargunj.

Allahabad.

(Counsel for the applicant: Sri A.N.Ambast, Adv)

..... Applicant.

Versus.

1. Union of India through Chief Engineer, T.S.P Northern Railway, Baroda House, New Delhi.

2. Deputy Chief Engineer, Concrete Sleeper Plant, Northern Railway, Subedarganj, Allahabad.

3. Senior Engineer, Concrete Sleeper Plant, Northern Railway, Subedar Ganj, Allahabad.

(Counsel for the respondents: Sri A.K. Gaur. Adv)

..... Respondents

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O\_R\_D\_E\_R\_(Oral)

(By Hon'ble Mr. S.K.I Naqvi.J.M.)

Sri Vijay Kumar Pandit has filed this OA to direct the respondents to regularise his promotion as Junior Clerk <sup>/ against</sup> regular Post <sup>/ due</sup> and allow him the seniority.

2. As per applicant's case, he was appointed as Khalasi with effect from 14.06.82 and vide order dated 01.05.83, applicant was promoted as Junior Clerk in <sup>the</sup> Grade Rs 950-1500 (RPS) and posted under SEN/CSP/KSF with immediate effect. It has been clarified in this order that he has passed the suitability test of Junior Clerk. The applicant further mentions that when he reported at CSP/Khalispur, he was informed that no such post was available there, therefore, ~~directed~~ permitted to report to TSP Subadarganj, Allahabad and therefore, the applicant appeared before TSP Subadarganj, Northern Railway, Allahabad, where order dated 27.09.90 was issued, the copy which is on record as R-3. The applicant claims his right of the regularisation and he moved

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for the same but it has been declined vide Annexure No.1 to compilation-I of the O.A.,

against which he has come up, seeking above relief.

3- The respondents have contested the case mainly on the ground that the post of Junior Clerk is selection post to be filled 33 $\frac{1}{3}$ % by promotion, and rest by direct recruitment (RRB) and for departmental promotion, the selection is through test and viva, but the applicant has not qualified any such selection test and <sup>placed</sup> his name does not find ~~in~~ this penal.

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

5. We find the impugned order which has been annexed as Annexure No.1 in <sup>to OA</sup> ~~in this~~, it is very cryptic and does not mention the details for which the representation of the applicant has been rejected. There is also no clarification as to how there is mention in order dated 08.09.90, the copy of which has been annexed as Annexure No.1 <sup>Compilation no 2</sup> that he has passed suitability test for junior

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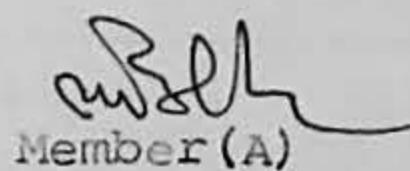
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Clerk and therefore, we find it a ~~fit~~ active matter to direct the concerned authority to re-examine the case and pass <sup>/an</sup> appropriate order.

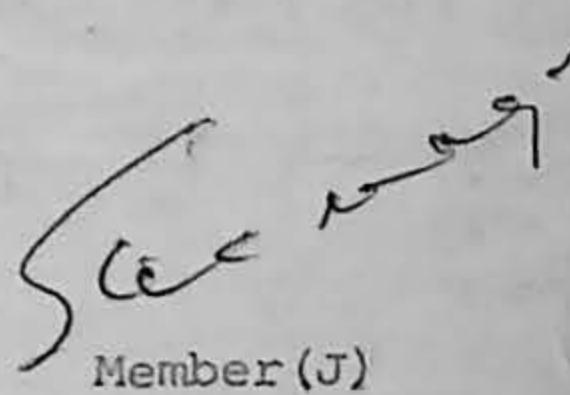
6. The respondents are directed to reconsider the representation dated 08.01.96 and pass appropriate order in the light of above observation within 3 months from the date of communication of this order.

7. The O.A. is disposed of accordingly.

NO order as to cost.



Member (A)



Member (J)

/m.k.s/