

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 2nd day of September, 2002.

Original Application No. 1013 of 1996,

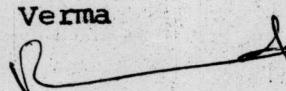
CORAM: Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman

Hon'ble Maj Gen. K.K.Srivastava, Member (A)

1. Kamar Ahmad Khan aged about 32 years, S/O Shri Syed Ahmad Khan, R/O Tola Badlu Ram, Gayatri Prigya Peeth Ke pass, Gariya Phatak, Nagra, Jhansi.
2. Raj Kumar Jain aged about 35 years, S/O Shri Phool Chand Jain, R/O 173 Bazar Barua Sagar, Near Jain Mandir, Jhansi.
3. Brijesh Chand Gupta aged about 33 years, S/O Shri Karori Mal Gupta, R/O C/O Ram Swaroop Rai, Rajendra Nagar, Mahabirampura, Jhansi.
4. Net Ram aged about 37 years S/O Shri Kehar Singh, R/O C/O Ghamandi Lal, 19/20, Guddipura, Near Santoshi Mata Temple, Nagra, Jhansi.
5. Sarvesh Kumar aged about 41 years, S/O Shri Munni Lal, R/O C/O Daya Ramsahu, 146/A, Kasai Bada, Nainnagarh, Nagra, Jhansi.
6. Jugal Kishore, aged about 43 years. S/O Shri Brij Bhusan, R/O Quarter No. 949G-RBI, TRS Colony Nagra, Jhansi.

..... Applicant.

Counsel for the applicant: Shri R. Verma



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V_E_R_S_U_S

1. Union of India through the General Manager, Central Railway, Mumbai V.T.
2. The Divisional Railway Manager (P) Central Railway, Jhansi.
3. The Senior Divisional Electrical Engineer (TRS), Central Railway, Jhansi.
4. Shri Rajendra Kumar aged about 36 years, S/O Shri Janki, Working as Skilled Fitter Gr. III and posted at Electric Loco Shed (TRS), Jhansi under the control of the Senior Divisional Electrical Engineer (TRS), Jhansi.

..... Respondents

Counsel for the respondents: Shri P. Mathur.

WITH

Original Application No. 1250 of 1996

1. Kishan Lal aged about 30 years S/O Late Sri Chinji Prasad, R/O House No. 30, Gadia Fatak, Immabada, Premnagar, Jhansi.
2. Subhash Choudhery aged about 37 Years, S/O Sri Phulera Chandra, R/O 555/1, Rajiv Nagar, Premnagar, Jhansi.

..... Applicant

Counsel for the applicant: Shri Rakesh Verma.

V_E_R_S_U_S

1. Union of India through the General Manager, Central Railway, Bombay V.T.
2. The Divisional Railway Manager,

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Central Railway,

Jhansi.

3. The Senior Divisional Electrical
Engineer (TRS),

Central Railway,

Jhansi.

4. Sri Rajendra Kumar aged about 36
Years, S/O Sri Janki, working as
Skilled Fitter Gr. III and posted
at Electric Loco Shed (TRS),
Jhansi under the control of the
Senior Divisional Electrical
Engineer (TRS),

Jhansi.

..... Respondents.

Counsel for the respondents: Shri P. Mathur

WITH

Original Application No. 1/97.

1. Bhagawati Prasad aged about 38
years, S/O Late Sri Gopi Ram,
R/O RB I.953/C, TRS Colony,
Nagra, Jhansi.

2. Abdul Karim Qurasi aged about 40 years, S/O Late Sri
Noor Baksh,
R/O 56 Chhoti Masjid, Puliya No. 9
Jhansi.

3. Sumesh Ghosh aged about 40 years,
S/O Sri Raj Bihari Ghosh, R/O
Quarter No. 968B, RB-II, TRS
Colony, Prem Nagar, Nagra,
Jhansi.

4. Than Singh aged about 39 years,
S/O Sri Ramji Lal, R/O Quarter
No. RB I-96-G, TRS Colony,
Prem Nagar, Nagra, Jansi.

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5. Jakir Ali aged about 31 years,

s/o Late Sri Aladin, R/o RB-I-

952-G, TRS Colony, Prem Nagar,

Nagra, Jhansi. Applicant.

Counsel for the applicant: Shri Rakesh Verma

V E R S U S

1. Union of India through the General Manager, Central Railway,

Mumbai V.T.

2. The Divisional Railway Manager (P) Central Railway,

Jhansi.

3. The senior Divisional Electrical Engineer (TRS) Central Railway,

Jhansi.

4. Srikant shukla aged about 38 years, and working as skilled fitter Gr. III and posted at Electric Loco Shed (TRS), Jhansi under the control of the Senior Divisional Electrical Engineer (TRS), Jhansi.

5. Rajendra Kumar aged about 36 years, s/o Sri Janki, working as skilled fitter Gr. III and posted at Electric Loco Shed (TRS), Jhansi under the control of the senior Divisional Electrical Engineer (TRS), Jhansi.

..... Respondents

Counsel for the respondents. Shri P.Mathur.

W I T H

Original Application No. 204/97

1. Mahesh Chandra aged about 36 years, s/o Shri Mangal Singh,

R/o C/o Arun Kumar, Indira Nagar.

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Colony, Prem Nagar, Gariya Dam Road.

Jhansi.

2. Satya Pal Singh, aged about 38 years, S/O Late Shri S.V.Singh, R/O C/O S.D.Tiwari, 243/1, Naini garh, Nagra, Jansi.

3. Ram Babu aged about 41 years, S/O Shri Mool Chandra, R/O B-501, Awas Vikash Colony, Nandanpura, Jhansi.

..... Applicant

Counsel for the applicant: Shri R. Verma

V E S S U S

1. Union of India through the General Manager, Central Railway, Mumbai V.T.

2. The Divisional Railway Manager (P) Central Railway, Jhansi.

3. The senior Divisional Electrical Engineer (TRS)
Central Railway, Jhansi.

4. Shri Rajendra Kumar, aged about 36 years, S/O Sri Janki, working as skilled Fitter Gr. III and posted at Electric Loco Shed (TRS) Jhansi under the control of the Senior Divisional Electrical Engineer (TRS), Jhansi.

..... Respondents

Counsel for the respondents: Shri P.Mathur.

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O R D E R (Oral)

JUSTICE R.R.K. TRIVEDI, V.C.

The applicants in the above cases have filed these OAs for a direction to the respondents to promote them as skilled Fitter Grade-III from the back date when persons junior to them were promoted. The applicants were serving as Helper Khalasis. Their claim has been denied by the respondents by filing counter affidavit and it has been stated that the Helper Khalasis were required to file options by 30.11.1994. By these options they were required to indicate whether they ~~want~~ to be considered for promotion as skilled Fitter Grade III, Electrical or Mechanical.

The case of the respondents is that as the applicants did not exercise option which was necessary for their being considered for promotion as skilled fitter grade-III (electrical). They have not suffered any injury and they are not entitled for any relief. Shri Prashant Mathur has placed before us a list of 30 persons who had exercised options and their options are available on record.

Shri Rakesh Verma learned counsel for the applicants, however, has submitted that the present applicants have also exercised options but they have not been considered for promotion. In OA No. 1013/96 initially there were six applicants. However, applicants no. 1 to 3 withdrew their claim which was allowed by order dated 6.3.02. Thus the claim of applicants no. 4, 5 and 6 only is required to be considered. The learned counsel for the applicant has placed before us the option forms ~~filed~~ ^{filed} by Netram applicant no. 4 (RA-4), Sarvesh Kumar applicant no. 5 (RA-5) and Jugal Kishore applicant no. 6 (RA-6). All the

aforesaid option forms were submitted within time and the option has been exercised properly. They were submitted to the Traction Foreman. The duplicate copy of the option form filed were received by the officer on different dates. Alongwith the OA applicants have also filed copies of the representations which are (Annexures 6 & 7) but in these representations they have not claimed that they had exercised options.

In OA 1250/96 alongwith the RA applicants have filed their option exercised by Kishan lal and Subhash Chaudhary but in both the options filed there is no indication as to which of the side they had opted for. Thus, it is difficult to accept their claim that they had exercised any option.

In OA 01/97 only applicant no.1 Bhagwati prasad has filed copy of the option which he claimed to have exercised on 26.11.1994 and it has been filed as (Annexure RA-1). None of the other applicants claim that they had exercised the option.

In OA No.204/97 none of the applicants have claimed that they exercised options as required by the DRM within the time allowed. Further applicant no.2 Satpal Singh has already expired on 30.9.1999. In the above facts the ~~situation~~ is that the applicants who have filed copies of the options and they appeared to be genuine, ^{but} they have not claimed in their representations before the authorities that they ever exercised options. ^{claim} ^{ship belatedly raised in rejoinder can} ^{not be accepted}

In OA 1/97 only one person has exercised option. In these facts and circumstances, it is difficult to say that the respondents committed any mistake or deliberately ignored the claim of the applicants while promoting others as skilled Fitter Grade-

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III(Electrical). In the circumstances, we do not find applicants entitled for any relief. All the OAs are dismissed. However, there will be no order as to costs.

- Sd/-
Member-(A)

- Sd/-
Vice-Chairman