

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 03rd day of December 2002.

Original Application no. 42 of 1998.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Administrative Member.

Bankey Lal, S/o Sri Laxman,
R/o Qr 5 no. 965 B Jamunia Bag,
Railway Colony, G.T. Road,
Kanpur Nagar.

... Applicant

By Adv : Sri B.N. Singh

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House,
NEW DELHI.
2. Divisional Railway Manager,
Northern Railway, Allahabad Division,
ALLAHABAD.
3. Senior Electrical Engineer (Construction),
Northern Railway, Near Northern Railway Institute,
G.T. Road,
KANPUR.

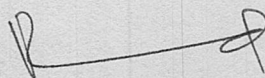
... Respondents

By Adv : Sri A.K. Gaur

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By this O.A. under section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to respondents to regularise the services of the applicant on the post of Wireman Gr. I from the date his juniors have been regularised by the respondents.



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2. The facts of the case are that the applicant Shri Bankey Lal was initially appointed as Sub Khalasi in the pay scale of Rs. 70-85 on 19.10.1970. Subsequently, his services were regularised as Electrical Khalasi in Allahabad Division. The applicant was given regular promotion to the post of S.P.A. Lineman in the grade of Rs. 260-400 vide order dated 27.8.1979 as per his seniority position in the division. The applicant was, thereafter, transferred to work under Electrical Foreman (Construction), Northern Railway, Kanpur as Wireman Grade III in the pay scale of Rs. 210-270. In the Construction Division the applicant was granted promotion as Wireman Grade II on adhoc basis against workcharge post w.e.f. 3.7.1985. Subsequently, the applicant was promoted as Senior Wireman Grade I in the pay scale of Rs. 1320-2040 on which post the applicant is working. The promotion was on adhoc basis. The grievance of the applicant is that respondent no. 2 i.e. D.R.M., Northern Railway, Allahabad, has regularised the services of Shri S.C. Pandey, Shri Deena Nath, Shri Hari Vikash, Sri S.P. Sharma and Shri Shyam Kishore on the post of Senior Electrical Wireman Grade I in the pay scale of Rs. 1320-2040, ^{though} ~~and~~ all ^{these} ~~those~~ persons are junior to the applicant, but the applicant has been ignored. It is claimed that the applicant is entitled for regularisation as Electrical Wireman Grade I from the date his juniors have been regularised.

3. In para 8 of the counter affidavit, the respondents have stated that next junior to the applicant Shri Dina Nath, S/o Shri Kali Prasad has been promoted regularly as S.P.A. Grade I from 21.12.1991 by way of proper trade test by the Division and as per rules the applicant is entitled for regular


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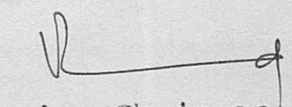
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promotion as SPA Grade I from the date his junior was promoted under N.B.R., whereas the applicant ^{was} ~~the applicant~~ locally promoted by Construction Organisation against workcharged post w.e.f. 3.7.1985. From the aforesaid submission[^] made by the respondents it is clear that the respondents are prepared to grant promotion to the applicant provided he comes to the Division and clear the trade test.

4. Considering the facts and circumstances, the OA is disposed of finally with the liberty to the applicant to make a representation before respondent no. 2 for his repatriation to the Division and to consider him[^] for promotion on regular basis and to organise the trade test. If the representation is filed by the applicant, it shall be considered and decided within 2 months from the date of production of this order alongwith representation.

5. There shall be no order as to costs.


Member (A)


Vice-Chairman

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