

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 5th day of January, 2001.

Coram: Hon'ble Mr. Justice R. R.K. Trivedi, VC

Hon'ble Mr. S. Dayal, A.M.

M.A. No. 45 of 2001

Diary No. 72 of 2001

(original Application No.37 of 2001)

1. Vijay Kumar, s/o late Bhullu
Hospital Attendant, under N.R.
Chief Medical Superintendent,
N.R., Allahabad,
r/o 189-B, Railway Colony,
Allahabad.
2. Nand Lal, s/o late Garib Dass,
Hospital Attendant Under Chief Medical
Superintendent, N.R. Allahabad,
r/o 427/1/N.R Hospital Quarter,
Allahabad.
3. Gyan Chand, s/o Late Peyare Lal,
Safaiwala under Chief Medical Supdt.,
N.R. Allahabad, r/o 427-O, N.R Hospital Compound,
Allahabad.
4. Bhimraj s/o late Bansi Lal,
Hospital Attendant, under
Chief Medical Superintendent,
N.R. Allahabad,
r/o 63/205, Nihalpur,
Khuldabad, Allahabad.
5. Ramesh Chandra Yadav,
s/o late Bhagwati Prasad,
Hospital Attendant under
Chief Medical Superintendent,
N.R. Allahabad,
r/o 224, Tula Ram Bagh, Allahabad.
6. Dilip Chandra Pandey, s/o Sri Raj Mani Pandey
Hospital Attendant under
Chief Medical Superintendent, N.R. Allahabad
r/o Pachdevra Bendi, Allahabad.

7. Abdul Jabbar, s/o Sri Abdul Shakoor,
Hospital Attendant under
Chief Medical Superintendent,
N.R. Allahabad,
r/o 276/1, Hospital Compound, Allahabad.
8. Munna Lal, s/o Late Prag Safaiwala,
under Chief Medical Superintendent,
N.R. Allahabad,
r/o 172 Subedarganj Colony, Allahabad.
9. Prem Chand, s/o Late Mewa Lal,
Safaiwala under Chief Medical Superintendent
N.R. Allahabad, r/o F-4, Gulab Bari, Allahabad.
10. Gopi Chand, s/o Sri Sangam Lal,
Safaiwala under Chief Medical Supdt.
N.R. Allahabad.
r/o 790 F-Ghanshyam Nagar,
Railway Colony, Allahabad.

..... Petitioners

(By Advocate Sri Z.A. Farookhi)

Versus

1. Union of India, through Chairman,
Railway Board, Ministry of Railways
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway, Allahabad.
4. The Chief Medical Superintendent,
Northern Railway Hospital, Allahabad.

.... Respondents

O R D E R

(OPEN COURT)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this application, under Section 19 of the
Administrative Tribunals Act, 1985, the applicants

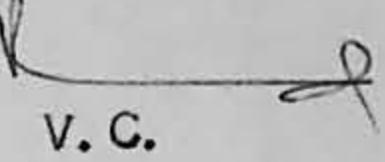
Contd..2

have challenged the order dated 10th May, 1998 of the Government of India, Ministry of Railways, which has been passed in pursuance of the recommendations of Vth Pay Commission. In this order, for the post of Dresser/O.T. Attendant in hospitals, the qualification prescribed is Matric. The applicants are serving as Hospital Attendants/Safaiwala/Jamadars/Senior Safaiwala. The grievance of the applicants is that by this change in the academic qualification, they have been deprived of chance of promotion being non-Matriculates. It is submitted that the case of the applicants should have been kept separate and the impugned orders should have been applied only in respect of those, who joined the service in the hospitals after the enforcement of this order. We have considered the submissions of the learned counsel for the applicant. However, we do not find any force. From a perusal of the order dated 10th May, 1998, it is clear that the matter was considered in the light of the recommendations of the Vth Pay Commission in respect of the certain categories of staff for bringing improvement in the service, and it has been thought proper to prescribe higher qualification for the post of Dresser. No exception can be taken against this decision, as the respondents have knowledge and experience about the working of the persons on these posts. Further, it is not that the applicants' claim had been ignored, among Safaiwalas, ~~No doubt~~, there are four categories and promotional avenue has been kept alive by providing different grades. In the circumstances, we do not find any good ground for interference by this Tribunal.

3.

2. The learned counsel for the applicants has submitted that the applicants have filed a representation dated 4.12.2000, a copy of which has been to this OA as Annexure No.5. The applicants are given liberty to pursue their representation which shall be considered and decided by the Respondents and the order of dismissal will not come in ^{their} ~~this~~ way. The representation shall be decided within three months from the date a copy of this order is filed before the Respondents. ^{Subject to above observations the OA is disposed of} No order as to costs.


A.M.


V.C.

Nath/