

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 80 of 2001

Wednesday, this the **22nd** day of **October** 2008

Hon'ble Mr. Justice A.K. Yog, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)

Raghu Raj Singh Meena, S/o Late Moti Singh Meena, R/o Village &
Post Chatekra, District : Mathura.

Applicant

By Advocate: Sri P.K. Khare

Vs.

1. Union of India, through the Secretary, Ministry of Railways,
(Railway Board), Rail Bhawan, Raisina Road, NEW DELHI.
2. The General Manager, Central Railway, MUMBAI.
3. The Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate: Sri Amit Sthalekar

ORDER

Delivered by Justice A.K. Yog, Member (J)

According to facts stated in this O.A., the applicant/Raghu Raj Singh Meena, was at relevant point of time working as Pointsmen 'A' (in the pay scale of Rs.950-1500/-) in the Jhansi Division of Central Railway. He had put in more than 10 years of service. According to him, as per relevant departmental circulars/memorandums, he was eligible and entitled to be considered for promotion as Senior Pointsmen in the pay scale of Rs.1200-1800/- and subsequently, on fulfilling the eligibility condition to be considered for promotion to the post of Goods Guard (in the pay scale of Rs.1200-2040). According to him, as per letter dated 05.06.1995 of the respondents, he is entitled to be considered for the post of Guard, as he fulfilled the eligibility criteria. From perusal



of letter dated 05.06.1995, it appears that certain posts of Guards were required to be filled for which steps were taken. In pursuance to the said process, impugned order dated 10.12.2000 (annexure-1 to the O.A.) was issued. There is no mention of eligible employee falling in the category of Pointsmen 'A'. The applicant has filed copy of another departmental order/memorandum dated 07.05.1997/annexure A-2 to the O.A. showing revised percentage of prescribed for promotion to the posts of Guards, to be filled from different sources. According to said departmental order dated 07.05.2007, the percentage prescribed for Senior Pointsmen to be considered for filling up the post of Guard, was 10%.


2. The applicant submits that exclusion of Pointsmen 'A' from being considered for promotion to the post of Guard is arbitrary and by doing so promotional chances of applicant has been completely jeopardized. Being aggrieved, the applicant had filed a representation. In this regard, relevant para-4.22 of the O.A. reads: -

"4.22 That the applicant filed a representation dated 10.5.1998 to the respondent no. 2 and reminders dated 7.4.99 and 7.5.2000. The True copies of the representation and reminders dated 10.5.98 and 7.5.2000 are being filed herewith and marked as Annexures No. A-7 and A-8 to the Compilation No. 2.

Afore quoted para-4.22 of the O.A. has been replied vide para-20 of Counter Affidavit, filed by the respondents, which reads: -

"20. That the facts stated in para 4 (22), (23) of the petition are incorrect and are denied. It is stated that alleged representation dated 10.5.98 and the alleged reminders dated 7.4.99 and 7.5.2000 have not been received in the office of the Respondents, only one representation dated 2.1.2001 has been received which has been duly considered by the Divisional Railway Manager (P), Central Railway Jhansi and disposed of vide order dated 15.1.2001. Copy of the order dated 15.1.2001 is attached to this reply as Annexure CA-IV."

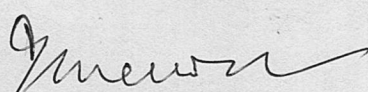
3. From aforesaid pleadings, it is clear that filing of representation dated 02.01.2001 has not been denied by respondents' authority. Be that as it may, O.A. was filed in the year 2001 and it appears that under interim order applicant was also sent for training before joining the post of Guard. More than 7 years have elapsed when this O.A. was filed. It

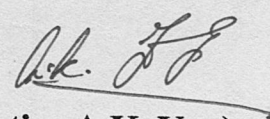


is not clear as to what is the present position; whether applicant has been granted promotion or not, as claimed in this O.A. and or what are the existing departmental orders/policy, dealing with the subject in question. Apart from it, we find that before any relief can be granted in favour of applicant, an exercise is to be undertaken to find out number of vacant posts of Guards as per percentage earmarked for Pointsmen at the relevant time. This cannot be attended on the basis of material available on record.

4. In view of the above, we deem it appropriate and expedient that applicant be allowed to press his representation. Accordingly, we direct the applicant to file a certified copy of this Order alongwith copy of O.A. with all annexures before the General Manager, Central Railway, Mumbai/respondent No. 2 and additional representation, if any, within six weeks from today and the said authority, provided certified copy of this order is filed, as stipulated above, shall decide the representation/additional representation of the applicant (as the case may be) within three months of receipt of certified copy of this Order (as contemplated in this Order) by passing a reasoned/speaking order after affording opportunity of hearing to applicant. It is made clear that in case respondent No. 2 finds that grievance of applicant (as raised through his representation/additional representation) deserves to be decided by any other authority, he shall be at liberty to refer the matter to that authority under intimation to the applicant within 2 weeks of receipt of certified copy of this order. The decision taken shall be communicated to applicant forthwith.

5. With the above directions, O.A. stands disposed of. No costs.


(K.S. Menon)
Member 'A'


(Justice A.K. Yog)
Member 'J'