

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.203/00211/2021

Jabalpur, this Friday, the 19th day of March, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



1. Nazir Ahmed S/o Late Abdul Hafiz Aged about 59 years Working as AC/Helper-I R/o Ward No.23 Aditya Nagar, Durg 492001 (C.G.)
2. Pramendra Kumar Shankar Dongre S/o Shri Shankar Dongre, Aged about 49 years Working as AC/Helper-I Durg SECR R/o Railway Quarter No.85/2 Durg (C.G.) 492001
3. Jaichand H. Lilhare Working as AC/Helper-I Durg SECR R/o Jayanti Nagar Durg (C.G.) 492001
4. Mahaveer Sahu S/o Dharamlal Sahu Working as AC/Helper-I Durg SECR R/o House No. MD 76 Aditya Nagar Durg (C.G.) 492001
5. Samaru Ram S/o Late Sukha Working as AC Helper-I Durg SECR R/o Acharya Vinoba Devbaloda Charoda District Durg (C.G.) 492001
6. Geddavalasa Venkata Ramana Working as AC/Helper-I Durg, SECR R/o LIG 81 UMDHA Housing Board, Bhilai District Durg (C.G.) 492001
7. Sohan Lal Sahu, Working as AC/helper-I Durg SECR R/o Near Daffodil School, Panchseel Nagar (East) Charoda, district Durg (C.G.) 492001
8. Ajay Masish S/o Chain Masih Working as AC/Helper-I Durg SECR R/o Talab Par Kumhari District Durg (C.G.) 492001
9. Sanjay Kumar Yadav, S/o Late Jageshwar Yadav, working as AC/Helper-I Durg SECR R/o Qr. No.36/2 Railway colony, Durg (C.G.) 492001

10. M.V. Ramana, S/o Late M. Punnaiah Working as AC/Helper-I Durg SECR R/o House No.679 Aditya Nagar Durg (CG) 492001

11. Rajesh P. Ramteke S/o Late Prabhakar Ramteke, Working as AC/Helper-I Durg SECR R/o House No.571 Aditya Nagar Durg (C.g.) 492001

12. Ganesh Prasad S/o Late Jagannath Prasad, Working as AC/Helper-I Durg SECR R/o Power House Bhilai District Durg (C.G.) 492001

13. B. Umamaheshwar Rao, S/o Late B. Vallabh Rao, Working as AC/Helper-I Durg SECR R/o Purena Bhilai District Durg (C.G.) 492001

14. Harakhram S/o Gendlal, Working as AC/Helper-I Durg SECR C/o LIG 857 Aditya Nagar, Durg District Durg (C.G.) 492001

-Applicants

(By Advocate –**Shri Varun Sharma**)

V e r s u s

1. Union of India, Through the General Manager, South East Central Railway Bilaspur Zone Headquarter Office Bilaspur 49501 (Chhattisgarh)

2. Senior Personnel Officer (HQ) South East Central Railway Headquarter Personnel Department 1st Floor GM's Office Bilaspur 495004 (Chhattisgarh)

3. Senior Division Personnel Officer South East Central Railway NH 200 Shrinagar, Raipur 492014 (Chhattisgarh)

4. Divisional Personnel Officer, South East Central Railway NH 200 Shrinagar Raipur 492014 (Chhattisgarh)

- Respondents

(By Advocate –**Shri R.N. Pusty for respondents No.1 to 4**)



O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed by the applicants being aggrieved with the order dated 12.8.220 (Annexure A/1) by which the respondent No.4 has declared nil vacancy for the post of Technician Grade II (AC) thereby denying the right to be considered for promotion to the applicants who are holding the current duty charge the post of Technician Grade III (CA) since 2010 and holds post of Helper-I.

3. The main grounds for challenging the impugned order is that the applicants have made a legitimate claim for payment of salary of Technician Grade III which is legitimate claim as the applicants are officiating to the aforesaid post since 2005-06 but are getting salary to the post of Helper only. The Hon'ble Apex Court in the matter of Secretary cum Chief Engineer vs. Hari Om Sharma reported (1998) 5 SCC 87 has held that “if a person is put to officiate on a higher post with greater responsibilities, he is normally entitled to salary of that post. The Tribunal has noticed that the respondent has been working on the post of Junior Engineer-I since 1990 and promotion for such a long period of time cannot be treated to be a stop gap arrangement.” The respondent



authority has wrongly applied the circular and is only creating a camouflage of vacancy whereas the applicants are being made to officiate on the higher post without any benefit to the extent of harassment. The applicants have made representation to the competent authority of the respondents vide Annexure A/30 which is still pending for consideration.



4. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the respondents are directed to decide Annexure A/30 in a time bound manner.

5. Learned counsel for the respondents Nos.1 to 4 submits that he has no objection if the Original Application is disposed of in above manner.

6. We have considered the matter and we are of the view that the natural justice will be met if the competent authority of the respondents are directed to decide the representation dated 31.8.2020 (Annexure A/30) in a time bound manner.

7. Resultantly, the competent authority of the respondents is directed to decide the applicant's representation dated 30.8.2020 (Annexure A/30), if not already decided, within a period of 3 months after receiving the copy of this order.

8. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in Annexure A/30.

9. With these observations, this Original Application is disposed of at admission stage itself.

10. It is made clear that this Tribunal has not touched the merits of the case.



(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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