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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A.No.332 of 1987.

Raj Narain LalApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

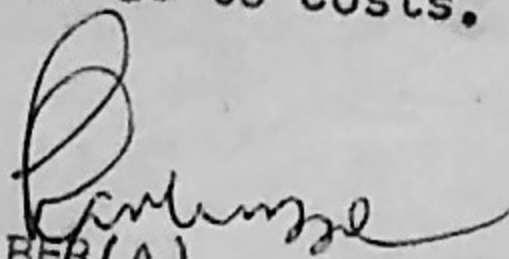
The applicant, who was engaged by the Railway Administration as Engine Fitter Khalasi, was promoted to the post of Coal Issuer/Tool Checker in pay scale of 260-400 on 17.1.76 against regular and clear vacancy. Since then he is discharging his duties as such but the benefit of the scale has not been given to him despite representations, that is why he preferred this application for regularisation of proforma promotion fixation of pay and for assessing his due seniority. He was initially appointed as Engine Fitter Khalasi on 10.12.72 and from the pleadings of the parties, it appears that the applicant was granted temporary status vide order dated 9.5.73 and thus, he was promoted as Coal Issuer/Tool Checker in the scale 260-400 but it appears that the work of this post which is a Class III post was taken by him although he was a Khalasi Class IV post. The applicant's promotion order was issued on 17.1.76 which was wholly temporary and was only officiating and was made on adhoc basis specifying that the officiating promotion of the applicant will not give any right to the applicant to claim any regular promotion or seniority. The applicant was reverted to original post vide order dated 7.3.76. The screening of substitute in Mechanical Department was arranged in 1974 wherein the


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applicant was also called. Although screening took place in the year 1975, the applicant did not appear in the said screening with the result that the persons, ^{and} who were juniors to him, were found suitable, were regularised and subsequently, they were given higher post. Again screening took place in 1983 in which the applicant participated and was found suitable and was placed at S.No.42 in the screened list. Selection for the post of Coal Issuer/Tool Checker took place on 16.11.85 on which date the written examination also took place and thereafter, it appears, some viva-voce took place and the juniors were appointed. The applicant's grievance is that although he is senior but his juniors have been promoted. It appears that for promotion to Class III post, one has to have put in minimum three years' continuous service. The applicant was screened in 1983 and had become regular employee only w.e.f. 30.11.83. The applicant had not completed three years of continuous service in the year 1985, that is why he was not allowed to appear in the examination and his juniors, who were screened earlier in the year 1973, were called for viva-voce test and were selected. It appears that the promotion of the applicant is to be made. In case, he participated in the year 1975, he could have got due promotion but he failed to avail this opportunity. As the applicant has now served for more than three years, there appears no reason as to why the case of the application for regularisation on the post of Coal Issuer/Tool Checker will not be considered. In case he succeeds in the same, the applicant shall be given regular appointment and his seniority will be judged accordingly. With these

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observations, the application is dismissed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN.

DATED: JULY 7, 1992.

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