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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

Original Application No. 951 of 1987

K.K. Dixit Applicant

Versus

D.R.M. Central Railway Jhansi & Others Respondents.

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

Hon'ble Mr. K. Chavva, Member (A)

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

The applicant after selection by the Railway Service Commission was appointed as a junior clerk on 1.8. 1972. After getting intervening promotion he was appointed as a Head Clerk in March 1982 in the pay scale of Rs. 425-700/-. According to the applicant there are 192 posts in the Engineering Ministerial staff including 58 head clerks the break-up which have been given by him. The grievance of the applicant is that notwithstanding the fact, there are 192 posts that the respondents have wrongly calculated the same as 157 and that is why the promotion has not been made. Although the applicant is fully covered under the zone of consideration if 192 is reckoned instead of 157 and he is also entitled to the benefits of the scheme of 'Restructuring of cadre' which was introduced as such he is also entitled for the said promotional post. While calculating 5% and 10% upgradation on the entire cadre strength the number of posts to be created as O.S. Grade-I and O.S. Grade II comes to 10 and 19 respectively, but the respondents have reduced to 8 and 16 and that is why he has been ousted from the zone of consideration.

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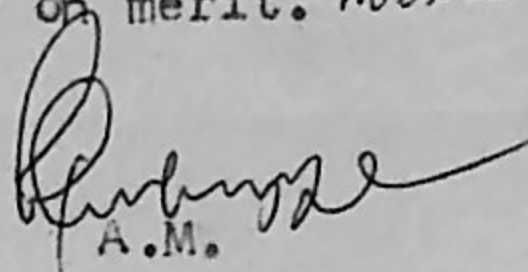
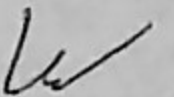
2. The applicant made representations after representations, but failing to get any relief ultimately he has approached the tribunal praying that a direction be issued commanding the respondent to give the advantage of Railway Board's letter dated 16.11.1984 promoting the applicant as O.S. Grade II under the modified selection scheme on the basis of his Service Record and Annual Confidential Reports with effect from 1.1.1984.

3. The respondents have not admitted this position and according to them the strength of engineering clerical cadre prior to formation of Bhopal Division was 160 and not 192 as alleged by the applicant and according to them the post of head clerk is 48 and not as stated by the applicant, and they have disputed the fact and position in this behalf. Although the applicant has re-iterated the same and has filed documents alongwith the rejoinder-affidavit, R.A.-1, R.A.2, and R.A.3 which support the plea in this behalf. The respondents have stated that the applicant was not eligible on the basis of seniority, that is why he has not been selected; those who were senior to him have already been selected. The dispute is being thus limited to a narrow compass as to whether it is confined only to a number of vacancies. It appears that the respondents also are ~~very~~ under some mistaken belief.

4. As such the respondents are directed to re-consider the position regarding number of vacancies if number of vacancies are more than 157 and 160, the remaining vacancies should be filled in accordance with law taking into consideration the seniority position ~~which are the~~ following the Railway Board's circular dated 16.11.1984. Even otherwise, the vacancies must

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have occurred and in respect of the vacancies which have occurred and which have occurred, the selection is to be made in accordance with the circular and if the applicant comes in the eligibility list, there appears to be no reason why his case will not be considered. With above observations, the application stands disposed of on merit. No order as to costs


A.M.

V.C.

Allahabad dated 2.9.1992.

(RKA)