

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1185 of 1988

Allahabad this the 1st day of March 1995

Hon'ble Mr. T.L. Verma, Member(J)
Hon'ble Mr. K. Muthukumar, Member(A)

S. Chakravorty, S/o Late R.R. Chakravorty, R/o
D.34/153, Ganesh Mohal, Varanasi.

Applicant.

By Advocate Shri P;C. Jhingan

Versus

1. Union of India through Secretary, Ministry of Railways, Government of India, New Delhi.
2. The General Manager(P), North Eastern Railway, Gorakhpur.
3. The Divisional Railway Manager, (NP) Varanasi.

Respondents.

By Advocate Shri Prashant Mathur.

O R D E R

By Hon'ble Mr. K. Muthukumar, Member(A)

The facts giving rise to this application are as follows;

2. The applicant was appointed as a 'Mate' in the Fa-mily Welfare Organisation in the then Bengal Assam Railway on 07.9.1950. This ^{later} Railway was merged with the North Eastern Railway. The applicant was promoted to the post of Field Worker through Railway Service Commission and was placed in the scale of Rs.950-1500/-. In 1984, the respondents upgraded the entire staff of the Family Welfare Organisation. The applicant's ~~grievance~~ grievance is that although 10 Field Workers were

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upgraded to the post of Compilation Clerk in the scale of Rs1400-2300/- or to the post of Senior Clerk in the scale of Rs1200-2040/-, the applicant was not upgraded to the post of Compilation Clerk although he was a senior most in the seniority list of Field Worker and, therefore, was entitled for such upgradation. The applicant states that he met with an accident during his duty hours in December, 1983 and was under medical treatment upto November, 1984 and was given light duty from November 1984 to May 1985. Despite his appeal for promotion to the post of Compilation Clerk, he had been designated as Senior Field Worker in the scale of Rs1200-2040/- which is less than the pay of Compilation Clerk and his appeal was not considered. The applicant further alleges that some juniors to him in the grade of Field Worker were, however, promoted as Compilation Clerk and he was not considered as a suitability test for promotion was taken during the period when he was on bed due to the accident although he was treated to be on duty during the period of his treatment. Aggrieved by this, the applicant has approached this Tribunal with the prayer for declaring the applicant to have been promoted as Compilation Clerk in the Scale of Rs.1400-2300/- w.e.f. 01.4.1986 and also for allowing him difference of pay and allowances

consequent on such promotion.

3. The respondents in their averments have stated that the applicant was advised to keep himself ready to appear in the Suitability Test scheduled to be held on 28.11.1983 to the post of Compilation Clerk. However, the applicant was again called as per his seniority position for attending the Suitability Test scheduled to be held on 12.7.1984 in the supplementary test but, the applicant has shown his inability to appear in the selection as per application dated 16.11.84 (Annexure C.A.-4) and, therefore, the applicant himself was responsible for his absence in the suitability test on his own accord. The respondents have further averred that those eligible candidates who qualified in the suitability test for the post of Senior Clerk/Compilation Clerk were considered for promotion. As per the scheme, those field workers in the Family Welfare Organisation, who had not qualified ⁱⁿ the requisite test, -----, would not be considered for the post of Compilation Clerk and as the applicant had not appeared in the test, there was no question of considering him to the post of Compilation Clerk. It is further averred by the respondents that due to re-structuring w.e.f. 01.4.1986, the applicant was promoted to the post of Senior Family Field Worker in the grade of Rs1200-2040/- by virtue of his seniority position whereas the candidates who had passed the suitability test prior to 01.4.1986, were

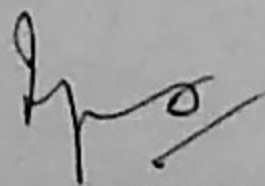
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entitled for promotion to the post of Compilation Clerk in the grade of Rs.1400-2300 and, therefore, the applicant's claim has no basis and relief claimed by him deserves to be rejected.

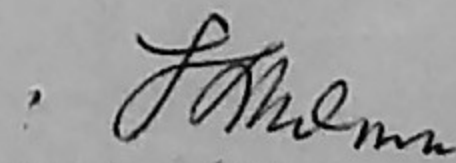
4. We have heard the learned counsel for the parties and perused the record.

5. Admittedly, the applicant could not appear-- for the suitability test due to accident and his subsequent treatment. His claim that the Railway was bound to call him for the suitability test, after he became completely fit on 26.4.1985, is not tenable. He has not shown any rule or order under which such a concession was made available to such persons who did not appear in the suitability test for one reason or another. It is unfortunately, that during the relevant period of time when the test was held, he did not appear in the said test and therefore, would not be considered for the post of Compilation Clerk.

6. In view of the foregoing, we find no merit in the application and same is dismissed. No order as to costs.



Member(A)



Member(J)

/M.M./