

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 02nd day of January, 2002.

Q U O R U M :- Hon'ble Mr. Rafiq Uddin, Member- J.
Hon'ble Mr. C.S. Chadha, Member- A.

Orginal Application No. 1319 of 1994.

Hira Lal S/o Mangla Prasad
Road No. 4, Kanya Nideshak, N.E. Rly,
Izzatnagar, Bareilly.

.....Applicant

Counsel for the applicant :- Sri S. Chandra
Sri D.P. Agarwal

V E R S U S

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. Mandal Rail Prabandhak (Karmik), N.E. Rly., Izzatnagar, Bareilly.
3. Riazuddin S/o Bhure, Assistant Engineer, Izzatnagar, Distt. Bareilly.

.....Respondents

Counsel for the respondents :- Sri Jaggnath Singh

O R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, Member- J.)

The applicant has filed this O.A seeking direction to the respondents to promote him to the cadre of Moter Vehicle Driver with effect from the date the vacancy of the Moter Vehicle Driver has fallen vacant or from the date Riazuddin has been promoted after superseding the applicant. The applicant has also sought the direction

to pay the salary and allowances as admissible to him as Motor Vehicle Driver from the year 1991.

2. The case of the applicant in brief is that he was appointed on the post of Khalasi against the clear vacancy in the year 1988. The applicant prior to his appointment as Khalasi, was appointed as Gate Keeper on 16.11.1976, as substitute on fixed consolidated pay. Applicant also claims that only Khalasi/^{employee} is entitled to be promoted as Motor Vehicle Driver whereas one Sri Riazuddin who was transferred and posted as Chaukidar was considered and promoted as Motor Vehicle Driver. However, the case of the applicant is that he was assigned duty as Jeep Driver by the Railway when he had obtained the Driving lisence. The applicant further claims that he was also awarded Rs. 200/- for his good work as Jeep Driver. The grievance of the applicant is that in ^{spite} ^{of his work} respect of his work continuously as Motor Vehicle Driver since 1991, he is not being paid salary of Motor Vehicle Driver i.e. Rs. 950-1500/- and he is still receiving salary of Khalasi.

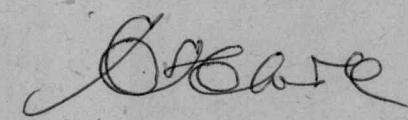
3. We have heard learned counsel for the applicant and perused the record.

4. It has not been disputed by the learned counsel for the applicant that the applicant was also considered by the respondents for his selection as Motor Vehicle Driver alongwith one Sri Riazuddin in which Riazuddin was selected. Learned counsel for the applicant, therefore, does not press the claim of the applicant with the services of Sri Riazuddin. It has, however, been contended that since the applicant was working as Jeep Driver since

1991 till his selection in the year 1998, the applicant is entitled for payment of salary etc. of the Jeep Driver and he is also eligible and entitled for seniority as Jeep Driver from the year 1991 when he was asked to work as Motor Vehicle Driver. Learned counsel for the applicant also stated that the applicant may be permitted to file representation before the competent authority for his grievances and direction may be issued to competent authority to consider and decide the representation within time fixed by this Tribunal.

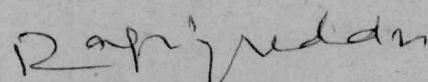
5. After having heard learned counsel for the applicant, we dispose of this O.A finally with direction to the applicant to represent the competent authority regarding his grievances which will be considered and decided by a reasoned order within period of two months from the date of receipt of the such representation.

6. There will be no order as to costs.



Member- A.

/Anand/



Member- J.