

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1526 of 1994

Allahabad this the 05th day of December, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt. Sudha Tiwari, W/o Late Sri Munna Lal Tiwari,  
Working as Khalasi, Under I.O.W. [Const] -II, Northern  
Railway, Allahabad.

Applicant

By Advocate Shri R.C. Shukla

Versus

1. Union of India through General Manager,  
Northern Railway, Barauda House, New Delhi.
2. Devesional Railway Manager, Northern Railway,  
Allahabad.
3. The Chief Administrative Officer, (Const)  
Kashmira Gate, New Delhi.
4. The Deputy Chief Engineer(Const.), Northern  
Railway, Allahabad.
5. The I O W, Construction, Northern Railway,  
Allahabad.

Respondents

By Advocate Shri Prashant Mathur.

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant-Smt. Sudha Tiwari

got appointment in Class IV cadre of respondents  
establishment under dying in harness rules, on  
compassionate ground. Now, she has come up before

the Tribunal with the prayer that in view of her qualification being Post Graduate, the respondents be directed to change her cadre from Class IV to Class III. The applicant has also a grievance that she made several representations to the authorities in the department but, they have not been decided and, therefore, she had to take the recourse of judicial side.

2. The respondents have contested the case and filed the counter-reply with the specific mention that when the applicant accepted Class IV cadre in 1991 itself and she is continuing there, how she cannot claim the change in cadre as a matter of right because there is no rule <sup>in</sup> to support her contention.

3. Heard, the learned counsel for the parties and perused the record.

4. Regarding promotion of the applicant in Class III cadre under 25% recruitment quota, the respondents submit that when the applicant comes within the zone of consideration, she may be considered at her turn.

5. Keeping in view the facts and circumstances of the matter, I find interest of justice would be served if, the representation of the applicant <sup>is</sup> decided by the authority in the

:: 3 ::

respondents establishment by passing detailed, reasoned and speaking order and, therefore, the O.A. is decided with the following directions;

"Incase the applicant moves a fresh representation to competent authority in the respondents establishment within one month, same be decided by the respondents within 3 months by detailed, reasoned and speaking order. No order as to costs ."

6. Before parting with the matter, it is observed that while assigning the duties to the applicant, it must be kept under consideration that it shall not be <sup>for a</sup> ~~any~~ job, which <sup>may have</sup> ~~is below~~ the dignity of a lady.

*See my*

Member (J)

/M.M./