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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 10th day of April, 2001

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

Orginal Application No. 205 of 1994

Mahinder Singh S/o Sri Sheo Janam Singh,
working as a Material Chaser in SI/CON/BG/NE Rly.
Varanasi.

.....Applicant.

Counsel for the applicant :- Sri A.P. Srivastava

V E R S U S

1. Union of India through the Chairman,
Railway Board, New Delhi.
2. The General Manager (Personnel)
Gorakhpur.
3. The Chief Administrative Officer, Gorakhpur.
4. The Divisional Signal, Telecommunication/
Construction/BG/N.E. Rly, Varanasi.

.....Respondents.

Counsel for the respondents :- Sri A.K. Gaur.

O R D E R (Oral)

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

The applicant has approached this Tribunal for
issuing a direction to the respondents to treat him
~~as~~ ^{as if} have been duly promoted to the post of Material

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Chaser Class III cadre and to pay him all the emoluments in class III cadre w.e.f 01.01.90. It is further sought that the applicant be declared as confirmed on the post of Material Chaser w.e.f 01.01.90 with all consequential benefits. The applicant seeks direction to the respondents to pay entire arrear of salary from June, 1991 with 18% interest till the date of his payment.

2. Brief facts of the case which emerge from the records are that the applicant was engaged as Casual Khalsi/ T.S on 15.01.81. The applicant was also granted temporary status w.e.f 01.01.84. The applicant was allowed to work as Material Chaser in the scale of Rs. 950-1500/- w.e.f 01.01.90 on adhoc basis. According to the respondents this promotion of the applicant was purely a tentative arrangement and did not confer any claim of seniority or retention of the post after expiry of sanction. It is stated that on expiry of sanction for Casual Material Chaser in pay scale of Rs. 950-1500/-, the applicant was reverted to Casual Khalasi in scale of Rs. 750-940/- w.e.f 16.05.91. It is further stated that the applicant was allowed to work as Casual Material Chaser in the exigency of work and he was deputed to work under Signal Inspector (Con.) N.E. Rly. Varanasi City during the period ~~of~~ ⁸ from 01.01.90 to 15.05.91. The applicant on the other hand has submitted that the applicant has been illegally reduced in rank from the post of Material Chaser which caused stigma on the applicant and such action of the respondents is against principle of natural justice. The applicant is, therefore, entitled to treat as class III employee with all consequential benefits w.e.f 01.01.90.

3. We have heard parties counsel and perused the records.

4. Learned counsel for applicant has urged during the course of arguments that respondents may be directed to consider and pass appropriate order on the representation of the applicant dt. 07.08.91 and 21.05.93 in the light of Railway Board's circular dt. 10.09.1956.

5. We, accordingly disposed of this O.A with the direction to Chief Administrative Officer (Construction), N.E. Rly., Gorakhpur (respondent No. 3) to consider and pass appropriate order on the representation of the applicant dt. 07.08.91 and 21.05.93 in the light of Railway Board's circular Dt. 10.09.56 within period of three months from the date of communication of this order. Applicant is also directed to annex a copy of representation alongwith copy of this order.

6. There will be no order as to costs.

S. Biswas
Member- A.

Parag Juddha
Member- J.

/Anand/