

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

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Original Application no. 147 of 2000.
this the 8th day of May'2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Amarit Lal, S/o Sri Anandi, R/o House no. 21-F Railway Colony, Panki, Kanpur Nagar.

Applicant.

By Advocate : L.M. Singh.

Versus.

Union of India through the General Manager, N.R., Railway Baroda House, New Delhi.

2. The Divisional Railway Manager, N. Rly, DRM Office, Allahabad.

3. The Divisional Supdt. Engineer (Co-ordination), N.R., DRM Office, Allahabad.

4. The Senior Divisional Personnel Officer, N.R., DRM Office, Allahabad.

5. The Asstt. Engineer (Track), N.R., Old Station Kanpur.

6. The Section Engineer (Tract), Headquarter West N.R. Old Station Kanpur no.4.

Respondents.

By Advocate : Sri A. Tripathi.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been preferred for a direction to the respondents for setting-aside the order dated 20.1.2000 proposing the written test to be held on 19.2.2000 and to allow the applicant to appear in the written test for promotion to the post of Permanent Way

Supervisor (PWS in short) in the pay-scale of Rs. 4500-7000/-

2. The case of the applicant is that he was appointed on the post of Gangman on 19.11.1977. It is stated that the applicant in the capacity of Gangman has been engaged as Storeman in the office of Section Engineer (Track) Kanpur and drawing the salary of Gangman in the scale of Rs. 2650-4000/-. Therefore, the applicant was fully qualified to appear in the written test for the post of PWS to be held on 19.2.2000. in the pay-scale of Rs. 4500-7000/- against 25% quota of Limited Departmental Competitive Examination (LDCE in short). It is claimed that the applicant has been working as Storeman although drawing the salary of Gangman. It is also claimed that a number of juniors have been allowed to appear in the LDCE although they were working as FAX Operator and Material Chaser etc. We find from the facts given in para 4.5 of the O.A. that Sri Parthipal was working as Mate and Sri Ram Pratap and Sri Jai Narain Upadhyay were working as Fax Operator & Material Chaser respectively, though they were junior to him. The applicant claims that the required qualification, ^{now} is High School in Science with three years experience for promotion on the post of PWS. It is claimed that he had made a representation, but the same has not been disposed of so far.

3. We have heard Sri L.M. Singh counsel for the applicant and Sri A. Tripathi, counsel for the respondents.

4. The respondents have mentioned that the applicant has been selected as Storeman, which was a selection post and has been working on the said post since 23.9.1982. It is admitted by the respondents in their Counter reply that no record pertaining to the selection held in 1982 is now available in the office of

the respondents. It is contended by the learned counsel for the respondents that only Gangman, Keyman, Mate with three years regular service in the grade and having qualification of Intermediate/High School were eligible to apply for the post of PWS.

5. The short issue involved in this case is whether the applicant has been permanently allocated the cadre of Storeman and retained no lien on the post of Gangman after his selection as Storeman. No seniority list of Storeman or Gangman has been produced by either of the parties. The learned counsel for the respondents has not been able to show that any mention of the Storeman ^{exists} in the Indian Railway Establishment Manual Vol. I, ^{and avenue channel of promotion of Storeman}. The applicant is shown as Gangman/Storeman in the letter dated 10.6.1998 written by the Asstt. Engineer (Track), Kanpur addressed to the D.R.M. (Personnel), Northern Railway, Allahabad (Annexure-4 to the O.A.). This letter is of eligible candidates for LDCE for the post of PWS.

6. The respondents have mentioned in response to the claim of the applicant that he has been working as Storeman though ~~the~~ drawing the salary of Gangman and that the pay-scale of Storeman & Gangman are the same.

7. We find from Annexure-1 to the O.A. that the person mentioned at sl. no. 55 for LDCE was ad hoc Fax Operator and the person mentioned at sl. no. 56 was also ad hoc Material Chaser. It is contended by the respondents that these persons were continuing on the list of Gangman because they had been working on their respective post on ad hoc basis, while the applicant was regularly posted as Storeman.

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8. In view of the above, we direct the respondents to consider the applicant as eligible in the LDCE for the post of PWS as and when it is held and to be considered for promotion from the date of his juniors, ^{if they are successful.} We find that the relief claimed by the applicant for being allowed to appear in February, 2000 has become infructuous as the examination has already been held in February 2000. The O.A. stands disposed of as above with no order as to costs.

R. V. J. J.
MEMEMBER (J)

GIRISH/-

H.
MEMBER (A)