

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1063 of 2000.

Allahabad this the 02nd day of June 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.

Hon'ble Mr. D.R. Tiwari, A.M.

Bhagwan Sharma
S/o Shri Sukh Lal Sharma,
aged about 41 years,
R/o 1010/8M, Rajrooppur OPS Nagar,
Allahabad.

.....Applicant.

(By Advocate : Sri S.S. Sharma)

Versus.

1. Union of India owning and representing the 'Northern Railway' Notice to be served to- The General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Administrative Officer (Construction), Northern Railway, Kashmere Gate, Delhi-6.
3. The Divisional Railway Manager, Northern Railway, D.R.M. Office, Allahabad
4. The Deputy Chief Electrical Engineer, (Construction) Northern Railway, D.R.M. Office Complex, Allahabad.

.....Respondents.

(By Advocate : Sri P Mathur)

DRG

O R D E R

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri S.S. Sharma learned counsel for the applicant and Sri P Mathur learned counsel for the respondents. We have also perused the pleadings and the documents annexed thereto.

2. The applicant, it appears, was appointed as Casual Basic Tradesman (Wireman) on 05.01.1982 in the Electric Foreman/Construction, Northern Railway, Aligarh. It is also alleged that he was subsequently promoted as Material Checking Clerk on adhoc basis vide order dated 27.03.1987. Subsequently, it is alleged, that the applicant appeared in the written test, which was held for the purpose of regularisation on the post of Material Checking Clerk. It is alleged that the applicant was successful in the written test, result of which was declared on 06.10.1999. The name of the applicant, however, could not find place in the final select list due to the reason that he failed in the viva voce test held on 27.09.1999. The final result was declared on 06.03.2000. This O.A. seeks issuance of a direction to the 2nd respondent i.e.

The Chief Administrative Officer (Construction), Northern Railway, Kashmere Gate, Delhi-6 to include the name of the applicant in the panel for selection of Material Checking Clerk in scale of Rs.3050-4590 (RSRP).

3. The grievance of the applicant is that in

(Signature)

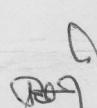
view of the Railway Board's Circular dated 19.03.1976 it was not necessary for the candidates who had been working on ad hoc basis to face the interview.

4. Sri P Mathur learned counsel for the respondents, on the other hand, submits that the applicant has been regularised on the post of Trolleyman in the open line and has no right to claim appointment on the post of Clerk-cum-Typist in the grade of Rs. 3050-4590 (RSRP) in Construction Organisation. It is further submitted by learned counsel for the respondents that the Trolleyman is not eligible for promotion to the post of Clerk-cum-typist grade.

5. Having considered the submission made by learned counsel for the parties and having regard to the facts and circumstances, we dispose of the O.A with a direction that in case the applicant files representation annexing thereto circular of Railway Board and other documents which he is relying on the Chief Administrative Officer (Construction) Northern Railway, Kashmere Gate, Delhi-6 shall either himself look in to the grievance of the applicant and dispose his representation by means of reasoned and speaking order proper self direction to the Circular and decisions relied on by the applicant to transmit the representation alongwith the documents relied on by the applicant to the Chief Administrative Officer (Construction) North Central Railway Allahabad for decision in accordance with law within a period of 06 months from the date of receipt of a copy of this order. No Costs.


Member-A

Manish


Vice-Chairman