

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.605 of 2002.

Allahabad this the 20th day of May 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

Ghanshyam Dass Prajapati
aged about 45 years
son of Shri Chottey Lal
resident of 208/7, Dariyapura,
Kemasani Toriya,
Jhansi.

.....Applicant.

(By Advocate : Sri R.K. Nigam)

Versus.

1. Union of India
through General Manager
Central Railway,
Mumbai CST.
2. General Manager,
Central Railway,
Mumbai CST.
3. Chief Personnel Officer,
Central Railway
Mumbai C.ST.
4. Chief Workshop Manager,
Central Railway Workshop
Jhansi.

.....Respondents.

(By Advocate : Sri K.P. Singh)

ORDER

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for quashing the impugned order dated 14.05.2002 and 15.05.2002 by which the claim of the applicant for regularisation on the post of Assistant Draftman in the pay scale of Rs.1200-2040 has been rejected.



The applicant has also prayed for direction to the respondents to declare the applicant to be entitled to the pay and grade of Assistant Draftman Rs.1200-2040 (RPS) with all consequential benefits from the date he has been put to work physically vide office order dated 09.05.1991 along with the increment, seniority etc.

2. The facts of the case are that the applicant was appointed as Khallasi on 04.08.1986. Subsequently the applicant was promoted as Helper Khallasi in the pay scale of Rs.850-1150/- on 18.01.1990. The respondents initiated steps to fill up the post of Assistant Draftman by Helper Khallasi having qualification of Diploma in machanical ^{ex} ~~and~~ civil engineering. This position is clear from letter dated 09.05.1991 (Annexure 7). As the applicant was Diploma holder in Civil and Automobile engineering, he applied for ^{giving a} ~~being~~ chance to work on ad hoc basis as Assistant Draftsman. After completing the formalities, the applicant was given chance to ^{work} ~~was~~ on ad hoc basis as Assistant Draftsman in downgraded scale of Rs.950-1500 on 21/23-12-1991. The applicant ^{was} continued to work on this post of down graded Assistant Draftsman ^{hence} ~~as~~ he filed O.A. No.716 of 1998 in this Tribunal for direction to respondents for giving him pay scale in the grade of Rs.1200-2040 (RPS) against the substantive vacancy and to regularise him as Assistant Draftsman. This O.A. was disposed of finally by order dated 06.12.2001 with the following directions.

"We dispose of this O.A. by directing respondent No.1 to consider the case of the applicant for regularisation in the light of the letter of the CWM referred to above. The necessary exercises may be completed within four months from the communication of this order".

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3- In pursuance of the aforesaid direction, the General Manager Central Railway passed an order dated 9.05.2002 which was communicated to the applicant on 14.05.2002 (Annexure 1). The claim of the applicant for regularisation as Assistant Draftsman has rejected on two grounds, firstly that no such post is available as they have been surrendered and abolished and secondly that the post is within the purview of the Railway Recruitment Board and applicant could not be appointed on the basis of promotion or regular^{as} suggested, as it would be contrary^{to} the direction of Railway Board as well as Railway Rules. We perused^{the} the entire order, however, we do not find any illegality in the order.

4. Learned counsel for the applicant, however, submitted that applicant has worked as Assistant Draftsman^{for} fairly long period and it would not be appropriate^{to} ask^{him} to work as Helper Khalasi. It has been submitted that the another candidate similarly situated has been asked to work as Clerk. The name of the candidates is Sanjay Vasan. A copy of the order by which Sri Sanjay Vasan has been accommodated as Junior Clerk in the scale of Rs.950-1500/- has been filed as Annexure 1 to the Supplementary Affidavit. This position has not been disputed by learned counsel for the respondents. Learned counsel for the applicant has submitted that the applicant could also^{be u} accommodate in the same fashion as Junior Clerk.

5. Considering the aforesaid submissions of the learned counsel for the applicant, we dispose of this O.A. with liberty to the applicant to make representation




before respondent No.2 General Manager, Central Railway, Mumbai CST for being accommodated as Junior Clerk and if such representation is made within 3 weeks the representation shall be considered and decided in accordance with Rules in the light of letter dated 6.09.1994 filed as Annexure 1 to the Supplementary Affidavit.

6. There will be no order as to costs.



Member-A.



Vice-Chairman.

Manish/-