

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER 785 OF 2003

TUESDAY, THIS THE 22nd DAY OF JULY, 2003

HON'BLE MAJ GEN K. K. SRIVASTAVA, MEMBER(A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Mohd. Nizam, Ticket No.1050,
son of Shri Abdul Subhan,
Diesel Crane Driver, Grade-I,
Bridge Workshop, Plant Depo,
Gorakhpur Cantt.

Resident of 20-A R.P.F., Railway Colony,
Gorakhpur.

.....Applicant

(By Advocate : Shri S.N. Yadav)

V E R S U S

1. Union of India through
General Manager, North Eastern Railway,
Gorakhpur.
2. General Manager (Karmik)
North Eastern Railway,
Gorakhpur.
3. The Chief Bridge Engineer,
North Eastern Railway,
Gorakhpur.
4. The Chief Personnel Officer,
North Eastern Railway, Gorakhpur.
5. Executive Engineer, Bridge Workshop,
North Eastern Railway, Gorakhpur Cantt.

....Respondents

(By Advocate : Shri K.P. Singh)

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. applicant has sought the following
reliefs:-

- "(a) Issue a writ order or direction in the nature of
mandamus directing the opposite parties to consider
the claim of the applicant from the date of his
posting as Diesel Crane Driver w.e.f.23.02.85 in
the pay scale of Rs.3050-4590/-



- (b) issue a writ order or direction in the nature of mandamus directing the respondents/opposite parties to grant him consequential pay scale of Driver Grade-II and Grade-I on completion of two years service in each pay scale i.e. w.e.f. 23.02.1987 and 03.02.1989.
- (c) issue a writ order or direction in the nature of mandamus directing the respondents to consider the promotion of the applicant to the post of Master Craft-man Crane Driver in the pay-scale of Rs.5000-8000/- with effect from 01.04.1998 from the date of retirement of his senior T.No.261 Ram Das.
- (d) issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- (e) Award cost of original application in favour of applicant. "


2. Grievance of the applicant in this case is that he is the senior most Diesel Crane Driver in grade-I in which he had been working since 20.03.1996. The ^{next 8} ~~non~~ promotional post ^{available 8} ~~granted~~ to him is that of Master Crafts Man. After shri Banarsi Prasad Gupta retired on 28.02.1994 as Master Crafts Man, Shri Ram Das Ticket No.261 was promoted as Master Crafts Man but he also retired on 31.01.1998. Since he was ^{the} senior most person as Diesel Crane Driver, he ought to have been considered for the said post. Accordingly, he gave a representation on 30.03.1998 followed by reminder dated 02.07.1998. The applicant was informed vide letter dated 11.02.1999 that he has completed only 8 years in the service of Grade-III to Gr.-I, therefore, he would be called for promotion when he completes his 10 years of service. Accordingly, when he completed his 10 years of service, he again requested vide letter dated 18.01.2001 to be considered for promotion to the post of Master Crafts Man. But vide letter dated 13/19.03.2001

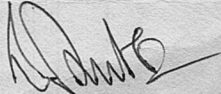


applicant was informed that there is no vacancy available for the time being. Being aggrieved applicant gave another representation on 13.11.2001(Pg.61) stating therein that after retirement of Shri Ram Das, no diesel crane driver has been promoted against the said post and any other person from other ^{cadre} ~~crane~~ could not have been promoted, therefore, it is clear that the said vacancy would still be available. Therefore, he had sought clarification as to how the department was saying that the vacancy is not available. It is submitted by the applicant that till date respondents have not decided his said representations. Counsel for the applicant submitted that he would be satisfied if a direction is given to the respondents to dispose off his said representations by passing a reasoned and speaking order.

3. Counsel for the respondents was seeking time to take instructions and to file the Counter Affidavit. But we do not think, it necessary to call for counter at this stage. Since we are disposing off this O.A. at the admission stage itself by giving a direction to the respondent No.5 to consider the claim made by applicant in his representation dated 13.11.2001 ^{and} after applying their mind to the facts as stated therein ~~and~~ ~~then~~ to pass a detailed and reasoned order thereon within a period of 3 months from the date of receipt of a copy of this order.

4. With the above direction, this O.A. is disposed off at the admission stage itself with no order as to costs.


Member (J)


Member (A)