

Madhukar Vishnu Kavathekar,  
Fitter - Chargeman,  
Loco-shed,  
Surendranagar.  
(Western Railway ).

....Petitioner

(Advocate : Shri T.R.Mishra )

Versus

1. Union of India, through  
General Manager,  
Western Railway,  
Churchgate,  
Bombay.
2. Divisional Railway Manager,  
Western Railway,  
Kothi Compound,  
Rajkot.
3. Divisional Mechanical Engineer,  
Western Railway,  
Kothi Compound,  
Rajkot.

....Respondents.

( Advocate : Shri B.R.Kyada )

Coram : Hon'ble Mr.P.H. Trivedi : Vice Chairman  
Hon'ble Mr.P.M. Joshi : Judicial Member

O R A L - O R D E R

17-07-1989

Per : Hon'ble Mr.P.H. Trivedi : Vice Chairman

Heard Mr.S.H.Asrani for Mr.T.R.Mishra and Mr.  
B.R.Kyada the learned advocates for the petitioner and  
the respondents respectively. The petitioner's case is  
that for the post of Assistant Loco Foreman, in the  
scale of Rs.550-750, the ratio of ~~2~~ 3 from maintenance  
side to which the petitioner belongs and one from running  
side ~~22~~ has to be maintained, according to the policy  
at Annexure-A and on ~~their~~ basis 8 posts should have gone  
to the maintenance side to which the petitioner belongs,  
and 3 posts to <sup>the</sup> running side, against which the persons  
appointed are in the proportion of 4 on the maintenance  
side and 7 on the running side and this was done by calling  
up-on the persons on the running side including those who

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<sup>are</sup> already ~~has been~~ in the pay scale of Rs. 550-750.

The respondents had invited applications and the petitioner had accordingly applied. The respondents plea had been that if <sup>there are</sup> ~~not~~ sufficient <sup>people</sup> ~~7~~ for filling up the vacancies as aforesaid, they have ~~a~~ authority to make adjustment. The ~~both~~ sides ~~are~~ contend <sup>that</sup> ~~7~~ a direction be issued that the DRM (E), Rajkot, may pass a speaking order after examining the contentions and claims of the petitioners and keeping in view the policy and other instructions governing the ~~promotion~~ in the post of Rs. 550-750.

Accordingly it is directed that the DRM (E), Rajkot, ~~to~~ pass a speaking order within a period of 5 months from the date of this order and the petitioner is at liberty to supplement his representation within a period of one month from the date of this order. The petitioner is at liberty to seek redressal of his grievance if <sup>is</sup> left thereafter. With this order the case is disposed of. No order as to costs.

*Trivedi*

( P.H. Trivedi )  
Vice Chairman

*Joshi*

( P.M. Joshi )  
Judicial Member

\*Mogera