

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R .

Date of Order: 12.7.1995.

O.A. No.271/95

Vishamber Dayal

...

APPLICANT

Vs.

Union of India & Ors.

...

RESPONDENTS

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Mr. Y.K. Sharma, Counsel for the Applicant.

CORAM :

THE HON'BLE Ms. USHA SEN, ADMINISTRATIVE MEMBER

BY THE COURT :

The case briefly is as below:-

2. The applicant was appointed in the Indian Railways in June, 1978 and later absorbed against a permanent post of ~~Inspector~~ ^{Sub-Inspector} (Rs.750-940). While working under the permanent post of Way Inspector ("PWT" for short), Samdari, the applicant applied for a transfer to the Construction organisation. The request was accepted. The applicant was trade tested as ~~Car~~ ^{Jeep} Driver and declared successful. ~~The applicant~~ ^{He} was promoted as Jeep Driver in the Grade of Rs.950.1500 and posted under the Inspector of Works (C), Jodhpur vide order dated 13/16.12.1991 (Annexure A/4) and since then he has been performing the duties of a Jeep Driver.

3. The grievance of the applicant is that the respondents No.7 and 8 who were also Jeep Drivers in the grade of Rs.950.1500 have been promoted to the higher grade

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of 1200-1800 under the modified procedure in terms of the Railway Board's letter of 27.1.1993 referred to in Annex.A-5. These respondents are alleged to be junior to the applicant. As soon as the applicant came to know about the promotions of these two persons he made a representation dated 9.8.94 (Annexure A-1). This representation was forwarded by the Dy. Chief Engineer/Const. I, Jodhpur, to the Divisional Personnel Officer, Northern Railway, Jodhpur, vide the letter dated 25.8.94 (Annex. A-7). No reply has been received to this representation. The Counsel for the applicant stated that the applicant made another representation dated 3.4.1995 which is at Annexure A-1 and no reply has been received to this representation also.

4. The grievance of the applicant would prima facie be genuine if it is true that respondents No.7 and 8 are junior to the applicant and have superseded him in the grade Rs.1200-1800 without any justifiable reason. I consider that instead of prolonging the process of litigation, the respondents should be directed at this stage to examine the representations of the applicant at Annexure A/1 and A/2 and give a reply thereto by a speaking order within a period of two months from the date of communication of this order. The respondents No.1 to 6 are accordingly hereby directed. Needless to state that if the applicant is still aggrieved by the reply to the representations he would be free to take up the matter in the Tribunal again. With this direction the O.A. stands disposed of. A copy of the OA may be sent to the respondents No.1 to 6 alongwith a copy of this order.

Usha Sen
(USHA SEN)
Member (Adm)