

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

Date of order: 16.2.1995.

O.A.No.71/1995.

MADANLAL AND ANOTHER : Applicants.

Vs.

UNION OF INDIA AND CRS. : Respondents.

CORAM:

THE HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER

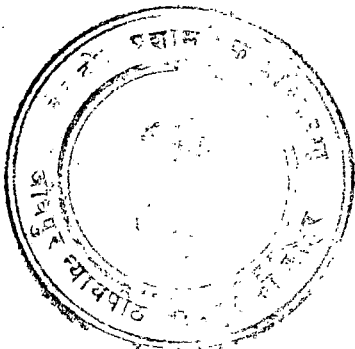
PRESENT:

Mr. J.K. Kaushik - Counsel for the applicants.

BY THE COURT :

Heard the learned counsel for the applicants.

There are two applicants in this OA. Both of them were initially appointed as Casual Labour and then absorbed on the post of Platform Porter at Marwar Junction. The first applicant was absorbed in the year 1983 and the second in the year 1985. Both of them have been officiating as First Class Coach Attendant in the scale of Rs. 775-1025 w.e.f. 10.11.1992. The applicants had submitted their applications to the respondent no. 3 for appearing in the suitability test for promotion to the post of First Class Coach Attendant in response to the invitation for applications issued by respondent no. 3 vide their letter dated 4-8-1992 at Annex.A-1. However,



it appears that the test was not conducted. Meanwhile, the applicants have been promoted as Senior Platform Porter in the scale of Rs.775-1025 vide ^{the} letter dated 3.2.1995 at Annex.A-4. It is understood by the applicants that the respondents are shortly going to conduct ^a suitability test for promotion to the post of FCA. Having been promoted to the post of Senior Platform Porter which is in the same scale as that of FCA the applicants have become ineligible for appearing in the said test. However, the applicants are more interested in promotion to the post of FCA than in the promotion to the post of Senior Platform Porter. They have stated in the ^{present} OA application that they are willing to forego their promotion as Senior Platform Porter in order to be eligible to appear in the test for promotion to the post of FCA.

The learned counsel for the applicants has referred to the judgment delivered by this Bench ^{of CAT} in OA No. 384/1992 on 25.5.1993 in which a similar matter was under adjudication. The order given in that judgment was that if the applicants are willing to forego the promotion as Senior Khalasi they should be allowed to appear in the test for promotion as FCA according to the rules.

The applicants have filed this OA apprehending that despite their refusal for promotion as Senior



Platform Porter they may not be considered for promotion to the post of FCA and they also apprehended that they may be brought down to the bottom seniority in the grade of Platform Porter (Rs. 750-940).

In the light of the judgment in OA No. 384/1992 supra, I deem it fit at this stage to issue a direction to the respondents that in case the applicants give in writing that they are willing to forego their promotion as Senior Platform Porter in the Grade Rs. 775-1025 they should be considered eligible for appearing in the suitability test for promotion to the post of FCA according to the rules. Also, their seniority in the Grade of Platform Porter (Rs. 750-940) should be regulated in accordance with the rules. With this direction the OA is disposed of at the admission stage.

A copy of the O.A. may be sent to the respondents alongwith a copy of this order.



(USHA SEN)
Member (Administrative)

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