

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 154/1995 alongwith 199
T.A. No. the batch (by common order)

DATE OF DECISION : 27.03.2000.

Dwarika Prasad & Ors. Petitioner (s)

Mr. J.K. Kaushik, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent (s)

Mr. R.K. Soni, Advocate for the Respondent (s)
(in OA No. 154/95)

Mr. V.D. Vyas, Adv., for Respdts. (in OA No. 450/95-Vashu Dev
Vs UOI & Ors.)



CORAM :

The Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? No.
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether it needs to be circulated to other Benches of the Tribunal ? No.

Gopal Singh
(Gopal Singh)
Adm. Member

B.S. Raikote
(B.S. Raikote)
Vice Chairman

(8)

In the Central Administrative Tribunal, Jodhpur Bench

Jodhpur

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Date of order : 27.3.2000.

1. O.A.NO.154/95

(1)Dwarika Prasad S/o Shri Tej Bahadur aged about 50 years, R/o Qutr. No. L 21 A, Loco Colony, Churu Distt.Churu, N/Rly.at present employed on the post of Driver Goods under Loco Foreman Churu N/Rly.

(2)Mumtaj Ali II S/o Sh.Alim Khan aged about 52 years, R/o Athuna Mohalla, Near Madina Masjid Churu at present employed on the post of Driver Goods under Loco Foreman Churu N/Rly.

(3)Keshu Dan S/o Sh.Sadul Dan aged about 46 years, R/o Vill and Post Khasoli Distt. Churu (Raj) at present employed on the post of Driver Goods under Loco Foreman, Churu N/Rly.

.....Applicants.

2. O.A.No.450/95

Vashu Dev S/o Shri Brij Lal aged about 51 years, R/o Naiya Ka Mandir Ke Pass, Rattangarh, Distt. Churu, at present employed on the post of Driver Goods under Loco Foreman, Rattangarh, N/Rly.

.....Applicant.

versus

1. (1)Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

(2)Divisional Personnel Officer,Northern Railway,Bikaner Division,Bikaner.

(3)Divisional Mechanical Engineer (P),Northern Railway,Bikaner Division,Bikaner.

.....Respondents in the O.As

Copied by

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

Mr.R.K.Soni, Counsel for the respondents in O.A.No.154/95

Mr.V.D.Vyas, Counsel for the respondents in O.A.No.450/95

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ORDER

PER HON'BLE MR.GOPAL SINGH,ADMINISTRATIVE MEMBER :

The controversy involved in these applications and the relief sought are common, therefore, both the applications are disposed of by a common order.

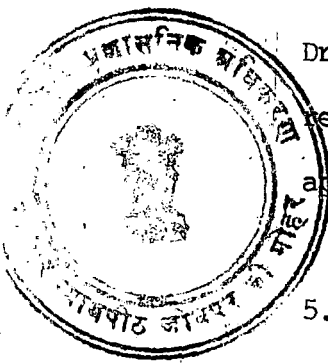
2. Applicants in these applications have prayed for a direction to the respondents to consider their cases for regular promotion to the posts of Goods Driver under the re-structuring scheme effective from 1.3.1993 following the modified selection procedure. They have also prayed for setting aside the impugned order dated 25.3.1995 at Annex.A/1 through which the respondent department has initiated the process of selection to the post of Goods Driver.

3. The applicants' contention is that the respondents have not implemented the re-structuring scheme effective from 1.3.1993 and, therefore, these applications.

4. In the Counter, the respondents have submitted that the re-structuring scheme has already been implemented vide their letter dated 18.1.1994/2.9.1994 (Annex.R/3). It has also been asserted by the respondents that the re-structuring scheme envisaged placement of 20% posts of Goods Driver in the higher scale. Since the applicants were holding substantive posts of Shunters and were officiating on ad hoc basis as Goods Drivers,

Gopal Singh





they were not entitled to be considered for the post of Goods Driver. The respondents letter dated 18.1.1994 implementing the re-structuring scheme has also not been challenged by the applicants.

5. A perusal of this re-structuring scheme placed at Annex.A/3 reveals that 20% posts of Goods Driver in the scale Rs. 1350-2200 were placed in the higher scale of Rs.1600-2660 and similarly 20% posts of Shunters scale Rs.1200-2040 were placed in the higher scale of 1350-2200 in terms of the scheme. Since the applicants were holding the substantive post of Shunters they were not entitled for placement in the higher scale of Goods Driver in terms of the scheme. Thus, in our view, both the Applications are without any merit and deserve to be dismissed.

6. Both the Applications are accordingly dismissed with no orders as to cost.

(Signature of Gopal Singh)
(GOPAL SINGH)
Adm.Member

(Signature of B.S. Raikote)
(B.S. RAIKOTE)
Vice Chairman

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mehta

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18-1-1994
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MINISTRY OF LABOUR

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[Signature]

Part II and III destroyed
in my presence on 11-16-06
under the supervision of
section officer () as per
order dated 23/8/06

[Signature]
Section officer (Record)