

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of order : 9.2.1998

O.A. No. 378/1996

Kishoremal son of Shri Hastimalji, aged about 47 years, resident of C/o. Achalu Ghanchi Ka Makan, Sojatia Ghanchiyon Ka Bas, Inside Sojati Gate, Jodhpur, presently working as Junior Proof Reader in the office of the District Controller and Stores (T.P), Jodhpur.

.... Applicant.

v e r s u s

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Senior Manager, Printing & Stationery, Sakur Basti, Punjabi Bagh, New Delhi.
3. The District Controller of Stores, Northern Railway, Jodhpur.

.... Respondents.

Mr. S.K. Malik, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

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(Gopal Singh)

PER HON'BLE MR. GOPAL SINGH:

Applicant Shri Kishoremal has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the order dated 30.9.1996 (Annexure A/1) and for issuance of a direction to the respondents to consider him for promotion to the post of Chargeman grade Rs. 1400-2300.

2. The case of the applicant is that he was promoted as Junior Proof Reader in the scale of Rs. 950-1500 from 18.2.1991 from the post of Khalasi and further promoted as Highly Skilled Grade-II (for short, HSK-II) in the scale of Rs. 1200-2040 with effect from 15.3.1991 and that he has been continuously working on the said post. The District Controller of Stores, Northern Railway, Jodhpur, has called five employees for writtest test / viva-voce test for selection to the post of Chargeman grade Rs. 1400-2300 fixed for 10.10.1996. The applicant's claim is that one of his juniors, namely Shri Heera Lal, was also called for the said written test / viva-voce test ignoring his claim. The applicant has relied about his seniority over Shri Heera Lal based on the seniority list of T.P. and T.F.U. labour as on 1.9.1996 issued by the District Controller of Stores, Northern Railway, Jodhpur, vide its letter dated 27.9.1996 (Annexure A/10). In this list, the name of the applicant figures at sl. No. 17 while that of Shri Heera Lal figures at serial

No. 22.

Gopal Singh

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3. Learned counsel for the respondents has contended that the applicant was never promoted in the scale of Rs. 1200-2040 and he was actually promoted to the scale of Rs. 1200-1800. He has also placed on record a copy of the Railway Board's letter dated 29.9.1987 (Annexure R/1) dealing with avenues of promotion to the post of Mistries, etc. wherein it has been provided that :

- (a) In future, except as stated below, vacancies in the post of Mistries in scale Rs. 1400-2300 will be filled only by promotion from amongst Skilled Grade-I Artisans, the post of Mistries being classified as "non-selection" post.
- (b) Skilled Grade-II Artisans will, in future, be eligible for promotion to Skilled Grade-I Artisans only.

Learned counsel for the respondents has also contended that classification of Proof Readers of Railway Printing Presses was revised by Railway Board's order dated 23.7.1990 (Annexure R/2) and the applicant was promoted to the post of HSK-II in the scale of Rs. 1200-1800 as per that classification. Since the applicant was not eligible for consideration for selection to the post of Chargoeman, he was accordingly advised vide letter dated 30.9.1996 (Annexure A/1).

4. We have heard the learned counsel for both the parties and gone through the records. It is seen from the letter dated 15.3.1991 (Annexure R/4) that the applicant was promoted as HSK-II in the scale of

C. P. Singh

Rs. 1200-1800. There is no mention that the office order dated 15.3.1991 has even been modified showing the scale of Rs. 1200-2040 as contended by the applicant. In terms of Railway Board's instruction for selection to the post of Charge-man, only HSK grade-I was eligible for consideration for promotion to the post of Charge-man grade Rs. 1400-2300. The applicant, in our opinion, was not eligible to be called for the post in question.

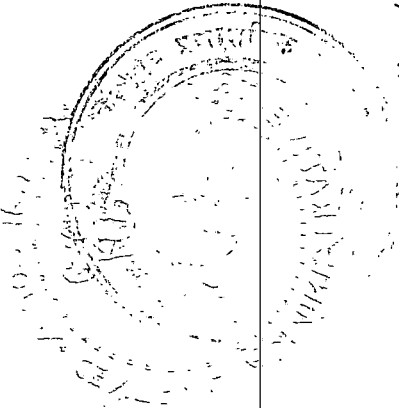
5. In view of the foregoing discussions, we find no merit in the present application and the same deserves to be rejected.

The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh
 (GOPAL SINGH)
 Adm. Member

A.K. Misra
 (A.K. MISRA)
 Judl. Member

CVR.



Rec'd
12/2
Rec'd
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Part II and III destroyed
in my presence on 2-5-3-2004
under the supervision of
section officer (J) as per
order dated 2-2-1-2-2003

[Signature]
Section officer (Record)