

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 01.5.97

OA 400/96

Bhanna Ram, Works Mate under Dy.Chief Engineer (Construction) II, Northern Railway, Jodhpur.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda Housa, New Delhi.
2. Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, Delhi.
3. Dy.Chief Engineer (C) II, Northern Railway, Jodhpur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant ... Mr.Y.K.Sharma  
For the Respondents ... Mr.R.K.Soni

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Bhanna Ram, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs :-



- "(A). That this Hon'ble Tribunal may kindly be pleased to set aside and quash the impugned order Ann.A-1.
- (B). That the respondents may also kindly be directed to transfer the applicant on the post of works mate as and when the work in Construction Organisation is over.
- (C). That any other relief/order/direction may be granted/passed in favour of the applicant which may be deemed just, fit and proper under the facts and circumstances of the case.
- (D). That the costs of the application be also awarded."

2. Heard the learned counsel for the parties. The facts giving rise to this application are that the applicant was engaged as Casual Khalasi on 11.2.77 under the PWI (C) at Suratgarh. He was granted temporary status on 1.1.82. The contention of the applicant is that he was promoted as a Mate in the scale Rs.800-1100 under the Inspector of Works (C) at Suratgarh. He was also subjected to medical examination for the post of Mate and was declared fit vide Ann.A-3. The applicant was also screened, as stated by him, against 40% construction reserved posts and was found suitable for the same vide <sup>QKshre</sup> Ann.A-4. Applicant has his lien at Suratgarh in the Bikaner Division. The

main contention of the applicant is that since he is posted as a Works Mate in the Construction Organisation in the Bikaner Division in the grade Rs.800-1150, he may be transferred within Bikaner Division as a Works Mate and not as a Senior Khalasi. The learned counsel for the applicant wants to file a representation to the concerned authority in regard to his grievance and wants that the same be decided on merits meeting all the points raised therein. The learned counsel for the respondents has no objection to it.

3. In the circumstances, this OA is disposed of at the stage of admission with a direction to respondent No.2 to decide the representation to be made by the applicant within a period of one month from today through a detailed speaking order meeting all the points raised therein in the light of the letter dated 25.7.95, at Ann.A-5, within a period of four months from the date of receipt of the representation from the applicant. The status-quo, as it exists today, shall be maintained in respect of the applicant's grade and posting till a decision is taken on the representation, in case the same is made by the applicant within a month from today. If the applicant is aggrieved by any decision taken on the representation, he shall be free to file a fresh OA. No order as to costs.

C. K. Jha  
(Gopal Krishna)  
Vice Chairman

VK

1. R/ (C/S/2/2/2) 2/5/91

2. Pm  
615

3. Lib.

Part II and III destroyed  
in my presence on 2/5/93  
under the supervision of  
section officer (j) as per  
order dated 2/5/93

Section officer (Record)