

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 10.12.97

OA 319/97

Bhanwar Lal, Senior Gangman in Gang No.4, Mathania, Distt. Jodhpur, Northern Railway.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr. J. K. Kaushik

For the Respondents ...

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

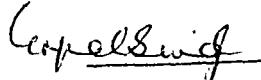
Applicant, Bhanwar Lal, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to consider his case for promotion to the post of Store Issuer/Clerk in the scale Rs.950-1500 in the next available vacancy on the basis of his having passed the suitability test held on 17.6.79.

2. We have heard the learned counsel for the applicant.

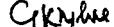
3. The contention of the applicant is that while working as a Gangman at Marwar Mathania under the CPWI, applications were invited from Group-D employees fulfilling the eligibility conditions for empanelment for the post of Junior Clerk in the scale Rs.225-308 vide letter dated 3.3.79, at Annexure A-1. The applicant fulfilled the eligibility criteria and he, therefore, applied for the same. The suitability test was held on 12.6.79. The result of the said test was declared vide letter dated 16.8.79. The applicant passed the suitability test and his name figures at Sl.No.13 in the list of successful candidates. It is contended by the applicant that Shri Narsingh Lal, whose name finds place at Sl.No.17 of the said list, has already been appointed as a Clerk in the scale Rs.950-1500 ignoring the case of the applicant for appointment as a Clerk. It is further contended that the denial of similar treatment is ex-facie discriminatory. The learned counsel for the applicant has drawn our attention to

the representation made by the applicant to the concerned authority vide Annexure A-11 dated 8.4.96 and has stated that the same is pending consideration.

4. In the circumstances, we dispose of this application, at the stage of admission, with a direction to respondent No.2 to decide the applicant's representation, at Annexure A-11, dated 8.4.96, referred to above, through a detailed speaking order meeting all the points raised therein within a period of three months from the date of receipt of a copy of this order. If the applicant is aggrieved by any decision taken on the representation, he may file a fresh OA. Let a copy of the OA and the annexures thereto be sent to respondent No.2 alongwith a copy of this order.


(GOPAL SINGH)

ADM. MEMBER


(GOPAL KRISHNA)

VICE CHAIRMAN

VK