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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 175/2002

Date of decision: 26.04.2004

CORAM:

**Hon'ble Mr. J. K. Kaushik, Judicial Member
Hon'ble Mr. M.K. MISRA, Administrative Member**

1. Hemant Kumar Sharma S/o Shri F.C. Sharma, by caste Brahmin, aged about 31 years resident of House No. 8/85, Mukta Prasad Nagar, Lalgarh, Bikaner and at present working as Junior Progressive Man in the Northern Railway (Workshop), Bikaner.
2. Bajrang Lal Choudhary, S/o Shri Kasi Ram Ji, by caste Jat, aged about 39 years, resident of Outside Jassusar Gate, Near Punjab National Bank, Bikaner and at present working as Junior Progressive Man in the Northern Railway (Workshop), Bikaner.

...Applicants

Mr. S.N. Trivedi alongwith Mr. Nitin Trivedi counsel for applicants

Versus



- (1) Union of India through General Manager, Northern Railway, Baroda House, Headquarter Building, New Delhi.
- (2) The Divisional Railway Manager, Northern Railway, DRM Office, Bikaner.
- (3) The Deputy Chief Mechanical Engineer, Northern Railway (Workshop), Bikaner.
- (4) The Assistant Personnel Officer, Northern Railway (Workshop), Bikaner.

...Respondents.

(Rep. By Advocate Mr. Manoj Bhandari, for respondents)

ORDER

PER J.K. KAUSHIK, JUDICIAL MEMBER

Shri Hemant Kumar Sharma (applicant No. 1) and Shri Bajrang Lal Choudhary (applicant No. 2) have filed this Original Application under Section 19 of Administrative Tribunals Act, 1985 assailing the order dated 11.07.2002 (Annexure A/1) with

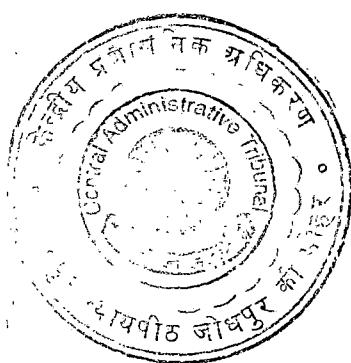
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a further request that the same may be quashed and set aside and the applicant may be allowed to continue as Junior Progressive Man in the Northern Railway (Workshop), Bikaner in the pay scale of Rs. 4000-6000.

2. The brief facts of the case are that both the applicants are holding the post of Technician Grade II since 1996 and have been satisfactorily discharging their duties. The applications were invited for filling up three posts of Junior Progressive Man, which is an ex-cadre posts in the pay scale of Rs. 4000-6000. There are certain requirements as indicated in the notification. But the applicants were denied the due consideration on the ground that they did not belong to the concerned shop/trade.

3. While there is hardly any dispute regarding the factual aspect of the matter. During the pendency of this case certain subsequent developments have been taken place in as much as the applicant No. 2 has already been promoted as Technician-I. Thus, his claim does not survive.

4. As regards the claim of the applicant No. 1, there are certain subsequent development which have taken place and now a decision has been taken vide communication dated 11.03.2004 by which the Technicians Grade-II belonging to the other trades i.e. allied trade scale of Rs. 4000-6000 holding the post of Technician Grade-II and fulfilling the other eligibility conditions for the post of JPM may also be considered in case the sufficient employees from the basic trade have not given their options. A copy of the order dated 11.03.2004 to be taken on



I/15

record. It has been submitted on behalf of the applicants that the applicant would be more than satisfied if his candidature is considered in pursuance with the said decision. His contention is that as per the said letter he would fall within the consideration zone and if his case is considered then he will be able to get the relief claimed in this Original Application.

5. The learned counsel for the respondents submits that the respondents are not proceeding further in the matter since the very case of the applicant filed before this Bench of the Tribunal is pending and subjudice. However, they would be more than willing to adhere to any direction which may consider to be just, proper and fit in the facts and circumstances of this case.

6. In view of what has been said and discussed above, the respondents are directed to consider the case of the applicant No. 1 for deputing him on the post of Junior Progressive Man in accordance with the aforesaid letter dated 11.03.2004 if he is otherwise found suitable for the same. This exercise shall be done within a period of two months from the date of communication of this order. No order as to costs.


(M.K. Misra)
Administrative Member


(J.K. Kaushik)
Judicial Member

Kumawat

Received by
Smtm 20/04/04
for m/s Bhandari Advocate
Received for Smtm Bhandari
30/4/04

Part II and III destroyed
in my presence on 24/10/13
under the supervision of
section officer (1) as per
order dated 18/10/13

Section officer (Record)