

12/12/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

ORIGINAL APPLICATION NO. 205/05
Jodhpur: This the 13TH day of December, 2006.

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CORAM:

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

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Manohar Singh S/o Shri Narayan Singh Sankhala at present posted as Junior Engineer – I (P. Way Grade II) under Divisional Manager, North West Railway, Bikaner Headquarter Pilibanga, District Hanumangarh.

.....Applicant.

By Mr. Kishan Bansal, counsel for the applicant.

Versus

1. The Union of India through the General Manager, North Western Railway, Headquarters Office, Opposite Railway Hospital, Jaipur.
2. The Director, Pay Commission II, Railway Board, Rail Bhawan, New Delhi.
3. Divisional Railway Manager, North Western Railway, Bikaner.
4. Divisional Personnel Officer, North Western Railway, Bikaner.
5. Shri Jai Ram Meena S/o Shri Bodan Ram Meena at present posted as SE, P. Way, Railway Station Elenabad, District Sirsa (Haryana).

.....Respondents.

By Mr. Manoj Bhandari, counsel for the respondents No. 1, 3 and 4.
None for the respondents No. 2 and 5.

ORDER

{BY J. K. KAUSHIK, JUDICIAL MEMBER}

We have heard the matter at considerable length but an unfortunate situation has arisen in this case inasmuch as the claim of the applicant is for grant of benefits under the re-structuring scheme on the post of Section Engineer which is based primarily on the fact that one Shri Jai Ram Meena (respondent No.5), junior to the applicant,

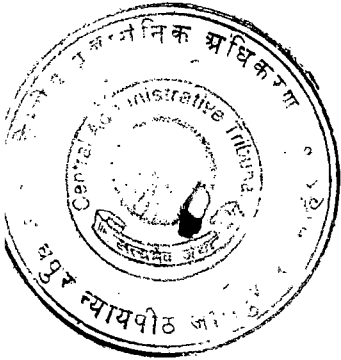




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has been extended the benefits under the re-structuring scheme by applying the Roster which was not required to be applied. In similar circumstances, his next senior Shri Som Dutt Tripathi, has also challenged (O.A. No. 206/2005), the similar action and we have just allowed the claim. After allowing his claim, no vacant post remains under re-structuring scheme ^{on the benefits} which could be granted to the applicant.

We have also clarified the factual position as well as the same is evident from the records that claim in both these O.As are against the promotional benefits wrongly granted under restructuring scheme to one Shri Jai Ram Meena. Having granted the relief to the senior of the applicant, there remains no post for grant of any benefit to the applicant in this O.A.



2. In this view of the matter, we are left with no option but to dismiss this O.A. which we order accordingly but without any order as to costs.

(R.R.BHANDARI)
ADMV. MEMBER

(J.K.KAUSHIK)
JUDL. MEMBER

jrm