

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH

Thursday the 11th day of May 2000

PRESENT

The Hon'ble Shri D.V.R.S.G.DATTATREYULU, MEMBER(J)
and

The Hon'ble Shri S.MANICKAVASAGAM, ADMINISTRATIVE MEMBER

O.A.No. 278 of 1990

Sri Ram Anand .. Applicant

Vs.

1.Union of India through Secretary
Railway Board
Rail Bhavan, New Delhi

2.The General Manager
Northern Railway, Baroda House, New Delhi

3.The Divisional Railway Manager
Northern Railway, Lucknow Division
Hazrat Ganj, Lucknow

4.The Sr.Divisional Personnel Officer
Northern Railway, Lucknow division
Hazratganj, Lucknow .. Respondents

Mr.Asit Kumar Chaturvedi .. Advocate for the applicant

Mr. Anil Srivastava .. Advocate for the respondents

Order: Pronounced by the Hon'ble Shri S. MANICKAVASAGAM
MEMBER (A)

The applicant joined the respondent department as an Electrical Khalasi (Train Lighting) in the year 1954. He was subsequently promoted as Basic Trainee Fitter (Train Lighting) in 1956. The applicant was further promoted to Electrical the grade of Chargeman (Airconditioning Coaches) - vide order dated 30.12.1981. It is the case of the applicant when the chance for promotion to the Grade of Chargeman-Gr.C (CM-C for short) came, he was overlooked. It is under these circumstances the applicant has come before this Tribunal seeking the following reliefs:-

- "(a) To direct the opposite parties to promote the petitioner as Electrical Chargeman on a regular basis with effect from 30.12.1981 and grant him seniority on the post of Electrical Chargeman from 30.12.1981 with all consequential benefits including further promotion to the post of Electrical Foreman with effect from the date from which his juniors were promoted as Electrical Foreman with all consequential benefits in the matter of pay, salary and other benefits etc.
- (b) To quash the order dated 29.11.1980 (ANNEXURE A-4) to the application;
- (c) To grant further relief which this Hon'ble Tribunal deems fit and proper along with cost."

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2. The respondents have filed a detailed reply resisting the claim of the applicant.

3. It is averred that the applicant was promoted as an Electrical-CM in the grade of Rs.425-700 purely on an ad hoc basis - vide letter dated 30.12.1981. It is further stated in the reply that the applicant was ~~not~~ entitled for promotion on a regular basis in the ELC grade as he was not senior enough in the list of Electricians. With regard to the allegation that some others ~~were~~ promoted, it is stated in the reply that all those persons were considered under the respective quota and as such the applicant cannot have any grievance against them. It is also stated that after a careful consideration of the applicant's representation he was given a reply - vide letter dated 29.11.1989. The reply concludes stating that since the OA is devoid of merit the same is liable to be dismissed.

4. When the matter was taken up for final disposal on 4.5.2000, neither the applicant nor his counsel was present. However the learned counsel appearing for the respondents made his submissions reiterating the averments in the reply. Since the pleadings are complete and the OA is of the year 1990, we have decided to dispose of the matter on merits.

5. We find that the applicant is agitated over the fact that he has not been considered for promotion to the post of CM-C. According to the rules of recruitment the mode of recruitment for the above said post is as

follows:-

(a) 25% of the vacancies are to be filled from among Mistries and HSK persons;

(b) 25% of the vacancies are to be filled from Apprentice Mechanics drawn from among rankers who possessed the requisite qualification;

(c) 50% from among Apprentice Mechanics recruited directly.

6. It may be noted that the applicant has to be considered for promotion to the post of CM-C against the 25% quota reserved for persons in the rank of Mistries and HSK grade. From the reply we find that the applicant is stated to be far junior in his category and as a result of which his case could not be considered. In fact this fact has also been suitably informed to the applicant when he made a representation. Further the applicant has not filed any rejoinder said contesting the stand of the respondents. We therefore hold that the respondents stand cannot be faulted.

6. In the light of the discussion above we hold that the OA is devoid of merit and the OA is dismissed with no order as to costs.

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(S. MANICKAVASAGAM)
MEMBER (A)

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(D.V.R.S.G. DATTATREYULU)
MEMBER (J)

11.5.2000

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