

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No.1179/96

Dated this Thursday the 20th Day of September, 2001.

Coram : Hon'ble Shri Justice V.Rajagopala Reddy, Vice Chairman  
Hon'ble Smt.Shanta Shastry, Member (A).

K. Rajayya Rajanna,  
Unnati Co.op. Hsg. Soc. Ltd.,  
R.No.80, Plot No.427,  
Chunna Batti, S.B. Marg,  
Mahim, Mumbai - 400 016.

. Applicant.

[ Applicant by Shri S.S. Karkera, Advocate ]

Vs.

1. Union of India, thorough  
The General Manager,  
Western Railway,  
Churchgate, Mumbai-400020.
2. The Divisional Railway Manager,  
Mumbai Division, Western Railway,  
Mumbai Central, Mumbai-400008.
3. Sr.Divisional Engineer (South),  
Mumbai Division, Western Rly.,  
Mumbai Central, Mumbai-400008.
4. Shri P.L. Arya,  
Eng. Deptt. HQ Office,  
Western Railway, Churchgate,  
Mumbai - 400008.
5. Shri Hardeo Singh,  
Chief Foreman (Eng.)  
Workshop, Western Railway,  
Parel, Mumbai - 400 013.

.. Respondents.

[ Respondents by Shri V.S. Masurkar, Advocate ]

ORDER (Oral)

[ Per : Justice V.Rajagopala Reddy, Vice Chairman ]

It is the case of the applicant that he was appointed as  
Khalasi-Helper in the Railways and thereafter promoted as  
Sr.Khalasi. By an verbal order he was appointed as Driver from

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1.4.1995. The post of Driver is in skilled category, Class C in the scale of Rs.950-1500. He has been reverted on 30.8.1996 to the post of Khalasi-Helper retaining his juniors on the ground that he asked for overtime allowance. The applicant therefore filed the present O.A. seeking the regularisation in the grade of Driver, Class C after the holding of trade test.

2. It is stated in the reply that the applicant was appointed as Khalasi in 1993 and promoted as Khalasi-Helper in 1994. Since there was no vacancy of Driver in CFO (ENGG), Parel, the question of trade test will not arise. It is further stated that whenever the vacancy of Driver arises, trade test will be conducted as per the seniority of the Khalasis and if the applicant was found fit and suitable he would be considered for promotion to the post of Driver.

3. We have heard Learned Counsel for the applicant and respondents. It appears that the averments made by the applicant in O.A. are incorrect. His submission that he has been appointed as Driver in 1995 is not supported by any order of appointment. On the other hand it has been denied by the respondents. As it is not denied by the respondents in the reply that he has not been appointed as Driver however his case will be considered as per his seniority, we direct that his case be considered for promotion whenever vacancy arises after holding the trade test as per his seniority. We cannot grant any other relief to the applicant. The O.A. is therefore dismissed without ordering costs.

*Shanta Shastri*

( Smt.Shanta Shastri )  
Member (A).

*V. Rajagopala Reddy*

( V.Rajagopala Reddy )  
Vice Chairman.