

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.100/2001.

Thursday, this the 2nd day of August, 2001.

Shri Justice Birendra Dikshit, Vice-Chairman,
Shri M.P.Singh, Member (A).

Pankaj Dubey,
Railway Quarter No.75/7,
Western Railway Quarters,
Sahar Road,
Andheri (E),
Mumbai - 400 069.
(By Advocate Smt.L.V.Mertia)

...Applicant.

v.

1. Union of India, through
The General Manager,
Western Railway,
Headquarters Office,
Churchgate,
Mumbai - 400 020.
2. Financial Advisor and Chief
Accounts Officer,
New Building,
Western Railway,
Churchgate,
Mumbai - 400 020.
3. Dy. Chief Accounts Officer (Cash
& Pay), Old Building,
Western Railway,
Churchgate,
Mumbai - 400 020.
(By Advocate Shri A.L.Kasturey)

...Respondents.

: O R D E R (ORAL) :

Shri M.P.Singh, Member (A).

The applicant has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 challenging the order dt. 7.8.2000 passed by the Deputy Chief Cashier and Notification dt. 8.1.2001.

2. The brief facts of the case as stated by the applicant are that, he was appointed as a Shroff in the pay scale of

...2.

Rs.950-1500 (RS) on 27.7.1988 and was posted under Assistant Chief Cashier at Ajmer (Rajasthan). Subsequently, on his request for transfer to Mumbai, he was transferred and posted as Shroff at Mumbai in the year 1990. The applicant was promoted and posted as Junior Cashier at Mumbai in the year 1990. After his promotion, he was placed below one Shri V.P.George in the panel of Cashier. In 1997, an order was passed for his promotion as Senior Cashier (non-selection post) on ad-hoc basis in the pay scale of Rs.1400-2300 (RSP) and was posted at Bhavnagar (Gujarat) vide order dt. 12.8.1997. The applicant refused his promotion and transfer, but Shri V.P.George carried out the orders of promotion and transfer and resumed his duties at Bhavnagar. Subsequently, Shri V.P.George made an application for his transfer back to Mumbai as Senior Cashier on ad-hoc basis. This request of Shri V.P.George was considered and he was posted to Mumbai as Senior Cashier vide order dt. 31.8.2000. Thereafter, a suitability test was conducted on 29.1.2000. The applicant was selected and placed in the panel at Sl.No.3 vide order dt. 7.8.2000. According to the applicant, he was promoted as Senior Cashier in the scale of Rs. 5,000-8,000 and was transferred to Dahod (Gujarat) vide order dt. 7.8.2000. Applicant submitted a representation to the Dy. Chief Accounts Officer (Cash and Pay) (Respondent No.3) on 28.8.2000 against his transfer to Dahod. The contention of the applicant in his representation is that since there is a vacancy of Senior Cashier at Mumbai he should be considered for posting at Mumbai itself. The representation of the applicant has not yet been decided by the Respondents. Aggrieved by this, he has filed this OA and sought relief by



praying for directions to Respondents to post him as Senior Cashier at Mumbai against the vacancy which is available at Mumbai. He has also sought a direction to Respondents to fix his pay in the grade of Senior Cashier in the scale of Rs.5000-8000.

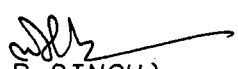
3. The Respondents in their reply have stated that the representation of the applicant dt. 28.8.2000 received through National Railway Mazdoor Sangh has been examined and he has been advised vide letter dt. 3rd October, 2000 addressed to Divisional Secretary with a copy to the Divisional Cashier under ^{whom &} which the applicant is working. According to them there is no such vacancy at Mumbai as one Shri V.P.George had been transferred to Mumbai vide order dt. 25.5.1998. According to them, there is no change in degree of responsibility of a Cashier and that of Sr. Cashier as far as handling the cash for disbursement is concerned, but it is merely a promotional prospect which is based on certain laid down norms and Rules and therefore, the contention of the applicant is incorrect and baseless and he is trying to confuse the Tribunal in this application. In view of the aforesaid contention, the application has no merit and the same be dismissed.

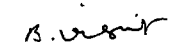
4. Heard the arguments of rival contestants on both sides and perused the record. During the course of argument, the Learned Counsel for the applicant stated that there is a post of Senior Cashier vacant at Mumbai and Shri V.P.George who is posted against that post is junior [&] and as he could not qualify the suitability test. On the other hand, the Learned Counsel for the Respondents denied that there is a vacancy in the grade of Senior Cashier. The Learned Counsel for the Respondents was



specifically asked about consideration of the representation of the applicant dt. 28.8.2000 with regard to his transfer to Dahod. Learned Counsel for Respondents stated that his representation has been examined and does not merit, but he failed to ^{satisfy us and} show us any specific order by which his representation has been considered and rejected. In the light of the above, we feel that ends of justice will be met by giving a direction to Respondents to consider the representation of the applicant and decide it by passing a speaking ~~and~~ ^{and} reasoned detailed order within a period of two months. We do so accordingly. The Respondents are accordingly directed to consider the representation of the applicant dt. 28.8.2000 and consider this OA also as part of the representation and decide by passing a speaking ^{and} ~~and~~ reasoned ~~and~~ detailed order within a period of two months from the date of receipt of a copy of this order. A copy of this order will be submitted by the applicant within 15 days from today.

5. The OA is disposed of with the above directions. ^{No cost.}


(M.P. SINGH)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.