

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.58/97

WEDNESDAY, THE 19TH DAY OF DECEMBER, 2001.

CORAM: HON'BLE SHRI B.N. SINGH NEELAM. VICE CHAIRMAN  
HON'BLE SMT. SHANTA SHASTRY. MEMBER (A)

Smt. Pratibha Vilas Chaudhari,  
working as Announcer (Ex-Cadre)  
post at Bandra under D.R.M/Bombay  
Central, Western Railway. .. Applicant

By Advocate Shri K.B. Talreja

Versus

1. The Union of India,  
through the General Manager,  
Western Railway,  
Churchgate, Mumbai.
2. The Divisional Railway Manager,  
Western Railway, Bombay Central,  
Mumbai. .. Respondents

By Advocate A.I. Bhatkar.

O R D E R (ORAL)

Shri Justice B.N. Singh Neelam


6 Heard Shri K.B. Talreja learned counsel for the applicant. This original application is filed seeking reliefs as detailed in para VIII of this application. At the very outset on behalf of the applicant, it is pointed out that since she is given time bound promotion, though belatedly, in that light prayer as at para VIII (iii) is not pressed. In the background of the relief so sought for as detailed in para VIII (i) & (ii) it is submitted when the applicant was offered an appointment in 1982. She was to be appointed as T.C. but was appointed as 'Announcer' but

to be considered for appointment in permanent post as per her seniority, but because of the step motherly treatment given by the respondents, right from 1982 to this date she is serving as 'announcer' which has no promotional avenue and is ex-cadre post. The respondents, as submitted, would have not deprived her (a handicapped person). of giving the opportunity for being offered T.C. post or other equivalent cadre post. Referring to Annexure R-1, it is pointed out that she had not given any undertaking in writing to feel satisfied although with the present post of <sup>Announcer</sup> ~~Annexure~~ as detailed also in rejoinder filed. On these grounds and on the ground as detailed in this original application prayer is that a direction be given to the concerned respondents for considering her case when such occasion comes to be taken in the cadre post if she is found eligible and fit.

2. The learned counsel representing respondents on the other hand has referred to para 7 and 11 of the written statement and has submitted that the applicant at the time of her initial appointment accepted the offer to the post of announcer for all the time to come and that is why her case was not considered so far. By referring to para 11 of the written statement it has also been pointed out that staff working in traffic and commercial department for Group 'D', the scale of pay is different which can also be a hurdle for her going from ex-cadre post to the cadre post.

3. Be that as it may, after hearing the learned counsel for the applicant and respondents also after going through the contents of the original application and rejoinder so filed, we hold that as regards the reliefs so sought for as detailed in para VIII (i) & (ii) of this original application, it cannot be said that the applicant has no case when she has come with a prayer that at least direction be given to the respondents as to consider her case for absorption against cadre post, if found otherwise eligible for the same. Since the lady is working right from the year 1982 and as her stand being that the present post of 'Announcer' has no promotional avenue, the respondents 1 and 2 are hereby directed as to consider the case of the applicant when such occasion comes in accordance with the prevalent rules for her being absorbed against cadre post if she is found eligible, qualified and her service record also not putting any hurdle for such consideration. The matter accordingly stands disposed of. Parties to meet their own costs.

  
(SMT. SHANTA SHASTRY)  
MEMBER (A)

  
(B.N. SINGH NEELAM)  
VICE CHAIRMAN

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