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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 02.3.94.

OA 84/94

BRIJMOHAN CHATURVEDI

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI C.R. PREMI.

For the Respondents

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PER HON'BLE MR. O.P. SHARMA, MEMBER (A).

Applicant Brijmohan Chaturvedi has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the respondents may be directed to post the applicant in the same category for which he was recruited by the Railway Service Commission at the initial stage, from the very date of appointment. He has further prayed that the applicant may be appointed as Ticket Collector with all ~~monetary~~ benefits of length of service and of promotion and monetary benefits related to the post of Ticket Collector. He has also prayed that appropriate seniority being granted to him in the post of Ticket Collector.

2. According to the applicant, he had applied for the post of Ticket Collector in response to an open advertisement issued by the Railway Service Commission and he was recruited to the said post. However, his actual appointment was made to the post of Clerk in the office. It is not disputed that the scale of pay of the Ticket Collector and the Clerk when the appointment of the applicant was made as a Clerk were the same. However, the applicant is aggrieved that has been appointed to a post for which he had not applied and for which he was not selected.

(13)

3. We have heard the learned counsel for the applicant and have perused the records. In a representation dated 22.6.1981 addressed by the applicant to the Additional CCS (G), Zonal Headquarters, Churchgate, Bombay, and to the Minister of State of Railways he has himself stated that while he was originally recruited for the post of Ticket Collector in 1974, he was absorbed as a Clerk for want of vacancy in the Ticket Collectors' cadre. He has explained his difficulties in continuing on the post of Clerk. One of the difficulties as mentioned is "writers cramp". If after selection of the applicant a vacancy was not available in the post of Ticket Collector, the respondents had the option either of not appointing him or offering him an alternative post. He was offered an alternative post which was accepted by the applicant. He has also got promotions from time to time in the alternative post of Clerk. We are not persuaded that the job of a Clerk is more difficult than that of a Ticket Collector. On the contrary, the Ticket Collector's job is more strenuous, whereas that of a Clerk is comparatively easier because the latter has only to sit in the office regularly in the working hours. Once the applicant has accepted the post and he has been given due promotions, we do not see any reason why should continue to insist on change of his cadre for 20 years or more.

4. We see no merit in this application. It is accordingly dismissed at the admission stage.

(O.P. SHARMA)
MEMBER (A)

(Gopal Krishna)
MEMBER (J)