

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 1.6.2001

OA 539/96

Gulam Mohammed, Pointsman, Western Railway, Gangapur City.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Station Supdt., Western Railway, Kota Division, Gangapur City (Distt. Sawai Madhopur).

... Respondents

CORAM:

HON'BLE MR.JUSTICE E.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.P.P.Mathur, proxy counsel for
Mr.R.N.Mathur

For the Respondents ... None

O R D E R

HON'BLE MR.JUSTICE E.S.RAIKOTE, VICE CHAIRMAN

This application is filed for a direction to the respondents to promote the applicant on the post of Assistant Guard with effect from the date person junior to him was given promotion.

2. Applicant contended that he was initially appointed in 1974 on the post of Pointsman and he was subsequently promoted in the pay scale of Rs.800-1150 on the post of Pointsman. In the seniority list of Pointsmen, as on 14.9.1995, the applicant finds place at S.No.1 in Ann.A/1.

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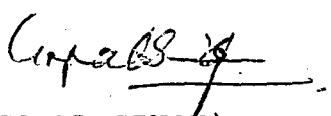
He further contends that in the railway department there exists the post of Assistant Guard in the pay scale of Rs.950-1500 and the said post has not been filled up. However, some persons working on the post of Pointsman, junior to him, now have been posted as Assistant Guard. The applicant also was promoted as Assistant Guard till 30.8.96 on the basis of the same principle. The respondents are denying the applicant ad hoc promotion on the post of Assistant Guard. Therefore, there should be a direction to the respondents to promote the applicant as Assistant Guard.

3. By filing reply the respondents have denied the case of the applicant. They have stated ^{that} the present application is very vague. They have also stated that the applicant has not given the names of the persons who are junior to him and who are promoted on ad hoc basis to the post of Assistant Guard on the basis of any order. They have further stated that sometimes the services of the employees working at Local Station were utilised as Assistant Guard on the basis of basic knowledge a person possessed but there was no promotion as such. They have also stated that the pay scale of Pointsman is Rs.950-1500 and services of the persons belonging to said scale sometimes were used in Loco Station as Assistant Guard and the applicant is not entitled to any promotion as claimed by him.

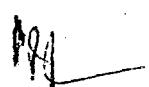
4. As stated by the respondents, this application is very vague. The applicant stated that his services sometimes were used as Assistant Guard prior to 1990 and till the year 1996. He also submits that persons junior to him on the post of Pointsman were promoted as Assistant Guard but he has not brought to our notice any order of any

person promoting him as Assistant Guard from the post of Pointsman nor he has made, such alleged juniors, party to this application. If by any chance sometimes the services of Pointsman were taken as Assistant Guard on the basis of their personal knowledge of working, that itself cannot be taken as promotion to the post of Assistant Guard. As stated by the respondents, even the services of the applicant were also taken sometimes as Assistant Guard. At the cost of repetition, we say that the applicant has not made out case for promotion to the post of Assistant Guard by placing any cogent material on record. Whether there should be a promotion to a particular post or not is a matter for the department to decide. So far as the applicant is concerned, he has not made out any case for issuing a writ of mandamus against the respondents. Accordingly, we find that there are no merits in this case. and hence we pass the order as under :

The application is dismissed but in the circumstances without costs.


(GOPAL SINGH)

MEMBER (A)


(JUSTICE B.S.RAIKOTE)

VICE CHAIRMAN