

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 6/12/2001

OA No.74/1997

D.S.Mathur s/c Shri P.B.Nag, retd. F.O. (C.M.), Western Railway r/c Railway Colony Gangapur City, Distt. Sawai madhopur.

..Applicant

Versus

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

.. Respondents

Mr.P.P.Mathur, counsel for the applicant

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

This OA has been filed by the applicant with a prayer that the respondents be directed to treat him as Diesel Chargeman in the pay scale of Rs. 425-700 w.e.f. 17.4.69 with all consequential benefits. His further prayer is that the respondents be directed to promote him to the post of Senior Chargeman scale Rs. 550-750 on the Steam side from January, 1976.

2. The applicant was appointed on the Steam Traction side in the year 1954 and became a Fitter Chargeman on 17.4.69. He underwent a conversion training

from Steam Traction to Diesel Traction in the year 1972. It has been stated by the applicant that he was posted as Diesel Chargeman in the scale Rs. 425-700 on 12.6.73 in Ratlam Division. When some persons who, according to the applicant were junior to him, were promoted as Diesel Chargeman in grade Rs. 550-750 ignoring him, he was informed that when he was sent for training for conversion course, he was not a Chargeman and that he had been reverted on 18.12.72 in Kota Division. Thus, he is denied promotion in the Diesel cadre. The respondents declared him as having been reverted from 18.12.72 to 17.6.73 from the post of Chargeman to Fitter Mistry and as a result of this order recovered an amount of Rs. 339.70 from his salary stating that as overpayment. He filed a case before the Labour Court against this recovery and his case was decided by the Labour Court on 19.4.1984 in his favour. It was held by the Labour Court that the applicant was entitled to get salary on the post of Chargeman and not as a Fitter Mistry. The applicant admits that he has been granted further promotion on the Steam side and he retired from service while working on the Steam side on 31.3.1994.

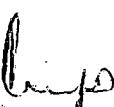
3. He has filed this OA primarily for the reason that after he had been declared as Chargeman by the Labour Court, the respondents should have absorbed him on the Diesel side and that he was entitled to be so absorbed and to seek further promotion on Diesel side. For this purpose, he had filed OA No. 717/92 which was decided by an order dated 2.8.93 with an observation that he continued to hold the post of Chargeman and was entitled for the benefit of seniority.



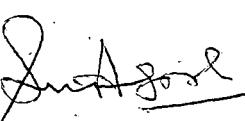
4. Heard the learned counsel for the parties. We find that the applicant's claim for being absorbed on the Diesel Side is totally frivolous. It is not disputed that he belongs to Steam cadre. There is no right vested in an employee in the railways to force himself into another cadre. It is for the administration to decide whether the request of an employee for change of cadre can be accepted or not. In this case, the applicant has continued in his own parent cadre i.e. the Steam side and we do not find any reason for making any grievance for not being absorbed in Diesel side, notwithstanding the fact that he had already undergone steam conversion training from Steam to Diesel.

5. Regarding his prayer for promotion to the post of Senior Chargeman on the Steam side to the scale 550-750 from January, 76, no arguments were led before us by the learned counsel on his behalf. In any case, this is a stale claim and hopelessly barred by limitation. This relates to the period much earlier than 3 years before setting up of the Administrative Tribunal. Such a claim can in no way be entertained by this Tribunal. We, therefore, find this applicant as totally frivolous and barred by limitation.

6. We, therefore, dismiss this OA both on merits as also on the ground of limitation. No costs.


(A.P.NAGRATH)

Adm. Member


(S.K.AGARWAL)

Judl. Member