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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.195, '98

Date of order: 13.11.2000

Kanhaiya Lal Meena, S/o Shri Brahma Meena, Chief Clerk, O/o Div.  
Safety Officer, W.Rly, Ajmer, R/o Vill.Parasiya, Ajmer.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate, Mumbai.
2. Divisional Railway Manager (E), W.Rly, Ajmer Division, Ajmer.
3. The Selection Board through Chairman, Sr.DME, W.Rly, Ajmer.
4. Shri Kana Ram Meena, Head Clerk, O/o OSD, Northern-Western Railway Jaipur.

...Respondents

Mr.P.V.Calla - Counsel for Applicant.

Mr.M.Ragiq ) - Counsel for respondents.

Mr.Hemant Gupta)

CORAM:

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

Hon'ble Mr.Gopal Singh, Administrative Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

By this Original Application, the applicant makes a prayer to direct the respondents to consider the name of the applicant for promotion on the post of Chief Clerk by placing his name in the panel at appropriate place and thereafter consider the applicant for promotion on the aforesaid post.

2. Mainly the grievance of the applicant is that though he has been shown senior in the eligibility list dated 12.2.98, still the respondents are conducting interviews and are bent upon to give promotion to respondent No.4, Shri Kana Ram Meena, on the post of Chief Clerk, whereas the applicant has been working on this post of ad hoc basis since 15.11.95.

3. Vide order dated 28.5.98, this Tribunal issued an interim order to maintain status quo on the post of Chief Clerk.

4. Reply was filed. It is stated in the reply that the applicant has

not secured the required marks on general merit but secured marks on relaxed standard against reserved quota, therefore, he cannot claim regularisation on the post of Chief Clerk. It is also stated that the respondent No.4 also did not secured required marks but he was found eligible in viva voce test on the basis of reservation.

5. Heard the learned counsel for the parties and also perused the whole record.

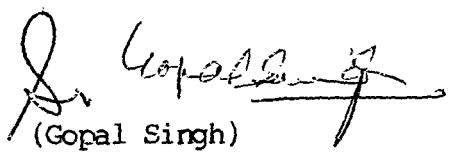
6. The learned counsel for the applicant has argued that this O.A can be disposed of in view of the decision given in O.A No.94/99, Govind Singh Verma Vs. UOI & Ors decided on 7.7.2000 by this Bench as the case in hand is squarely covered by the above referred decision. The learned counsel for the respondents also admits the position as stated by the counsel for the applicant.

7. We have given anxious consideration to the rival contention of both the parties and also perused the whole record.

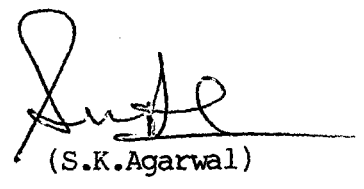
8. Admittedly, the applicant was promoted on ad hoc basis w.e.f. 15.11.95 on the post of Chief Clerk in the pay scale Rs.1600-2660 (Rs.5500-9000) and he is still continuing on the said post.

9. In view of the arguments of the learned counsel for the parties and decision given in O.A No.94/99, Govind Singh Verma Vs. UOI & Ors, and the facts and circumstances of this case, we dispose of this O.A with the directions to the respondents to place the applicant in the panel at appropriate place treating him as having qualified in the selection and reconsider him for promotion to the post of Chief Clerk as and when reserved vacancy becomes available within the quota available for reserved candidates during the validity of the said panel.

10. No order as to costs.

  
(Gopal Singh)

Member (A)

  
(S.K. Agarwal)

Member (J).