

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
QA 163/99

DATE OF ORDER: 7.4.2003

Prem Chand Sharma aged about 41 years, son of Shri Moti Lal Caste Brahmin, Driver, working under Deputy Chief Engineer(C), Ratlam Division, Kota and resident of Pratap Colony, Rangpur Road, Kota (Raj):

..... Applicant.

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Kota.
3. Deputy Chief Engineer (C), Western Railway, Ratlam.

..... Respondents

Mr. Rajveer Sharma, Counsel for the applicant.

Mr. Tej Prakash Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

This QA has been filed for the following reliefs:-

"An order/Direction/Command to the respondents/non-applicants directing them to set aside the order dated 4.9.97 Annexure 'A'/1 in regard to petitioner and this order upto the extent of the petitioner may kindly be declared null & void and accordingly the order dated 5.3.99 Annexure A/2 may also be set aside and kindly may declare null & void, it may kindly be further declared that the applicant is entitled to be regularise on the post of Driver in Group 'C' and to continue on that post in grade accordingly with further consequential benefits and future reliefs. The non applicants kindly be

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directed not to revert and posted the applicant in Group 'D' as Gangman.

(ii) Any other relief as may be considered appropriate and necessary in the facts and circumstances of the case also be granted.

(iii) Cost of the application may be awarded to the applicant."

2. During the course of arguments, the learned counsel for the applicant submits that if the pay of the applicant as drawn by him while working as Driver is protected, he will not like to proceed further the matter. The learned counsel for the respondents was given time to check up whether the respondents have already fixed the applicant's pay taking into account his pay as he was drawing as Driver. The learned counsel for the respondents submits that the ~~pay~~ ^{regularisation as Group 'D'} of the applicant on ~~absorption~~ has been fixed based on last drawn pay while functioning as Driver.

3. In view of the submissions of the parties, this OA is disposed of without any order as to costs.


(M.L. CHAUHAN)
MEMBER (J)


(H.D. GUPTA)
MEMBER (A)