

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 10.05.02

OA No. 439/2001

R.A.Gupta s/o Shri Rameshwar Dayal resident of C/o Divisional Cashier, Cash and Pay Section, Jaipur, at present employed on the post of Inspector of Cashier (holding charge of DC/Jaipur) in Cash and Pay Office, Jaipur, Western Railway.

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Dy. Chief Accounts Officer (Cash & Pay) (erstwhile Chief Cashier, Western Railway, Churchgate, Mumbai).

.. Respondents

Mr. C.B.Sharma - counsel for the applicant.

Mr. U.D.Sharma - counsel for the respondents

CORAM:

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

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

ORDER

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

In this OA, the applicant has prayed for appropriate directions to the respondents to adjust him at Jaipur and allow him promotion to the post of Divisional Cashier at Jaipur as per the policy of floating of posts by modifying the order dated 23.7.2001 (Ann.A1) on the following grounds:-

- 1.1 He is left to serve only for a period of 11 months. His case is covered under the circular issued by

the Headquarters for floating the posts to the extent of 20% of the cadre for adjusting the employees who are left to serve for a period of two years from the date of promotion order. His case is being neglected without any cogent reason. He is entitled for grant of due benefits as per rules. Accordingly, the order dated 23.7.2001, whereby he is proposed to transfer at Mumbai, deserves to be modified and applicant adjusted at Jaipur by floating the post of DC (Pay/Insp.) at Jaipur.

1.2 The applicant is being discriminated vis-a-vis similarly situated persons who have been adjusted by floating the posts on their promotion during their last 2 years of service.

1.3 The applicant has made number of representations in the matter, but there has been no response in spite of clear posts available. He could have been adjusted even without resorting to floating of post rule.

2. The respondents have contested this application. It has been submitted by the respondents that vide order dated 1.4.98 (Ann.R8), it was decided to keep the posts of DC (Pay/Insp.) and DC (Cash) out of the purview of the instructions of floating of posts as these posts are identified as important post based on "Worth of Charge". It is further submitted by the respondents that no vacancy is available to adjust the applicant locally on the promoted post.

3. Heard the learned counsel for the parties and perused the record.

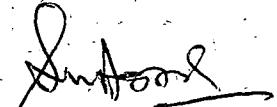
3.1 During the course of arguments, the learned

counsel for the respondents strongly relied on the order dated 1.4.98 (Ann.R8) and submitted that after issue of this order for the posts of DC (Pay/Insp.) and DC (Cash), no person has been appointed on this post based on the policy of floating of posts as these two posts were taken out of purview being important posts. He further submitted that no one has been promoted under the floating of posts policy after issue of this order. The learned counsel for the applicant did not contest this submission of the learned counsel for the respondents. We also find that the order dated 1.4.98 (Ann.R8) is not under challenge. Further there is no vacancy available now to adjust the applicant at Jaipur on the promoted post.

4. In the circumstances, we do not find any merit in this application and the relief sought by the applicant cannot be considered for the reason that the post of DC (Pay or Insp.) has been taken out of the purview by the respondents and further that there is no vacancy at Jaipur to adjust the applicant. Accordingly, this OA is dismissed. No order as to costs.


(H.C. GUPTA)

Member (Administrative)


(S.K. AGARWAL)

Member (Judicial)