

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 252/2002

DATE OF ORDER: 4.7.2003

Hans Raj Singh resident of Jang Bahadur Singh aged about 42 years, Tin & Copper Smith, Gd. II, Carriage & Wagon Depot, Ajmer and resident of 909/31, Gajar Teela, Nagra, Ajmer.

Applicant.

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer.
3. Devi Singh, Fitter Gd. II, Carriage & Wagon Depot, Ajmer.
4. Kallu Singh M, Fitter Gd. II, Carriage & Wagon Depot, Ajmer.
5. Ghan Shyam R, Fitter Gd. II, Carriage & Wagon Depot, Ajmer.
6. Braj Mohan Meena, Fitter, Gd. II, Carriage & Wagon Depot, Ajmer.

Respondents.

Mr. N.K. Gautam, Counsel for the applicant.
Mr. S.S. Hassan, Counsel for the respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Member (Administrative)
Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

The applicant has filed this OA with a prayer to accept ~~the option~~ his option for the post of Fitter Grade II and direct the respondents to fix his seniority in Fitter Grade II according to the date of declaring him surplus, submission of option, above to those who have declared surplus after him.

2. The facts of the case are that the applicant was appointed as Khallasi on 16.10.1980. Vide order dated 7.4.2000 (Annexure A/2), three posts of Tin & Copper Grade II alongwith other posts were declared surplus and were abolished and as such, the applicant was declared surplus. It is stated by the applicant that he is waiting for his transfer and posting as Fitter Grade II since May 2000, he came to know that the respondent No. 2 vide letter dated 20.8.2001 posted respondents nos. 3 to 6 as Fitter Grade II but the applicant was not given any appointment till September 2002. Aggrieved by the action of the respondents, the applicant has approached this Court for relief.

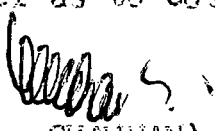
3. The learned counsel for the respondents had stated that the option of the applicant has already been accepted and he has been posted as Fitter Grade II w.e.f. September, 2002. The only point remains is to give him seniority as has been given to respondents nos. 3 to 6. The same shall also be considered and given to the applicant as per rules.

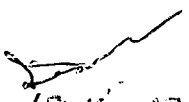
4. We have heard the learned counsel for the parties and have gone through the material placed on record.

5. As Per the assurance given by the respondents' counsel that the applicant shall be given due seniority as per law in the scale of Fitter Grade II, The OA does not survives

The respondents are directed to give due seniority to the applicant as per rules within two months from the date of receipt of the copy of this judgement. In case the applicant feels aggrieved by the action of the respondents, he is at liberty to approach this court by filing fresh petition.

6. With these observations, the OA is disposed of with no order as to costs.


(M.L. CHAUHAN)
MEMBER (J)


(S.K. AGARWAL)
MEMBER (A)