

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 377 of 2004

Jabalpur, this the 21st day of April, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Shri Anil Kumar Shrivastava, S/o. Shri S.L.
Shrivastava, aged 44 years, R/o. Flat No. 206,
Jeevan Anand, Trilochan Singh Nagar,
E-8, Arera Colony, Bhopal (MP). Applicant

(By Advocate – Ms. P.L. Shrivastava on behalf of Smt. S. Menon)

V e r s u s

1. Union of India, through : Secretary,
Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, West Central Railway, Jabalpur.
3. Chief Workshop Manager, Coach Rehabilitation
Workshop, West Central Railway, Bhopal (MP).
4. The Divisional Railway Manager (P), West Central
Railway, Bhopal (MP). Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

Heard the learned counsel for the parties.

2. By filing this Original Application the applicant has claimed the following main relief :

“(a) to direct the respondents to place the applicants in Category 'C' against the post of Inspector of Works Grade-II or Chargemen Grade B in the scale of Rs. 1400-2300 as has been done in the case of GS Kushwaha and 9 others in the interest of justice from the date they have been regularized with consequential benefits and interest at the rate of 10% per annum.”

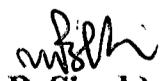
3. The brief facts of the case are that the applicant was working in the grade of Rs. 3050-4590/- in Bhopal Division as Technician Grade-III. He made a request vide letter dated 22.2.2001 (Annexure R-5(c) for his transfer to CRWS, Nishatpura. The applicant has also accepted for bottom seniority. The respondents have accordingly transferred him to CRWS, Nishatpura and granted him bottom seniority. The claim of the applicant is that he should be considered for next higher pay of Inspector Of Works Grade-II or Chargeman Grade-B by constituting a Committee as has been constituted in the case of G.S. Kushwaha and others.

4. On the other hand the learned counsel for the respondents has stated that the case of G.S. Kushwaha is not applicable in the present case and the issue involved in the present case and that of G.S. Kushwaha are totally different. In this case the applicant in his own request has sought for transfer accepting bottom seniority. He will be considered for next promotion strictly in accordance with the seniority and rules.

5. After considering all the facts and circumstances of the case, we are of the considered view that this Original Application can be disposed of by directing the respondents to consider the claim of the applicant for promotion to the next higher grade of Inspector of Works Grade-II/Chargeman Grade-B if he is otherwise eligible keeping in view his seniority in the grade and strictly in accordance with the rules and law. We do so accordingly.

6. Accordingly, the Original Application stands disposed of. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman