

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR

Original Application No. 206 of 2003

Gwalior, this the 17th day of July 2003

Hon'ble Shri Kuldip Singh, Judicial Member  
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Smt. Naseem Bano, W/o Late  
Sher Khan, aged 38 years, Designation  
Announcer at Railway Station,  
Gwalior, R/o. Gwalior.

... Applicant

(By Advocate - Shri H.K. Shukla)

V e r s u s

1. Union of India, through  
General Manager, Central Railway,  
C.S.T., Bombay.

2. Divisional Railway Manager (P),  
Personnal Branch, Jhansi (U.P.).

3. Station Master, Railway Station,  
Gwalior (M.P.).

4. Neeru Tondon Allias, Neeru Batra,  
Announcer Railway Station, Gwalior. ... Respondents

(By Advocate - Shri B.L. Gupta for Shri H.L. Gupta)

O R D E R (Oral)

By Kuldip Singh, Judicial Member -

The applicant has filed this original application assailing  
(Annexure A/1)  
the order dated 21st March 2003/ rejecting her representation.

2. The facts as alleged by the applicant in brief are that the husband of the applicant namely Shri Sher Khan was an employee of Respondent No. 1 to 3 and was working as T.T.I. and had expired in an accident.

3. The applicant made an application to the Department for appointment on compassionate ground. Accordingly the applicant was given appointment to Group-D post of Goods Porter which the applicant stated to have joined under protest and thereafter she made a representation also. so she was posted

of Announcer at Gwalior Railway Station and since then the applicant was working on the post of Announcer. The applicant alleges that though the applicant was given a post of Group-D, but she had been assigned the work of Announcer and is working in the cadre of Announcers. The applicant also alleges that she possesses the qualification to work as Announcer. The applicant further submits that she had been denied the opportunity of hearing at the time of decision of the representation and the order passed on her representation be quashed and respondents be directed not to relieve the applicant from her present place of posting and order them to continue to work at the place where she is posted.

4. The application is being contested by the respondents. The respondents pleaded that the applicant had been granted appointment on compassionate ground on a Group-D post of Goods Porter, though she is presently working at Gwalior, <sup>Railway Station,</sup> she had been transferred to Electrical Department at Gwalior, but the applicant insisted that she should be allowed to work as Announcer in the Commercial Department itself and she should not be transferred to Electrical Department.

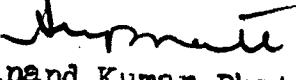
5. We have heard the learned counsel for the parties and have gone through the records. It is admitted case of the applicant herself that she was appointed as Goods Porter in a Group-D post on compassionate grounds. It is also admitted that the post of Announcer where the applicant is presently alleged to be working is a Group-C post and the applicant wanted that interim directions be issued restraining the respondents to transfer the applicant from Commercial Department to Electrical Department as the applicant could continue to work as Announcer in a Group-C post at Gwalior Railway Station itself.

*Verd* 6. We have given our anxious thoughts to the contentions raised

by the learned counsel for the applicant.

7. There is no dispute that the applicant was appointed as Goods Porter against Group-D post and that on administrative exigency she was allowed to work as <sup>an</sup> Announcer by some of the officer, but the same is against the rules because once the applicant has been appointed against a Group-D post, she joins the cadre of a Group-D employee and thereafter whatever avenues of promotion that is to take place in a normal course alongwith other employees ~~are~~ in accordance with the recruitment rules. By virtue of an order passed by some officer <sup>delegating</sup> ~~promoting~~ the applicant to work as an Announcer will not change the cadre of the applicant from Group-D to Group-C and the applicant thereafter cannot claim any right to the Group-C post unless she is otherwise given promotion to a Group-C post in accordance with the recruitment rules. Since, so far no promotion is granted to the applicant from Group-D to Group-C post, the applicant does not have any right to claim status quo and she cannot be allowed to work as <sup>an</sup> Announcer against a Group-C post under the Commercial Department.

8. In view of this position, we find that the Original Application of the applicant is bereft of any merits and the same is liable to be dismissed. Accordingly, we dismiss the Original Application. No order as to costs.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(Kuldip Singh)  
Judicial Member

Before the central Administrative Tribunal M.P. Jabalpur

C. No. 220/2003 O.A. 206/03

Naseem Bano- Applicant

v/s

union of India-Non-App. I.

Synopsis

Applicant is working on the post of Announcer at Railway station central Railway Gwalior respondent given her Compensationate appointment in 1991 but because the death was caused in an accident when the husband of applicant was on duty, applicant filed a claim petition No. 71/91 Named Naseem Bano v/s union of India so respondent filed a writ-petition and by the order of Hon'ble High court petition No. 1011/93 W.P. dated 16-2-95 applicant received the actual appointment, the respon continous insisting to withdraw the claimpetition and transfer applicant from the post of Announcer to SEE/T against which applicant filed the petition No. 90/2003 O.A. Named Naseem Bano v/s union of India, this Hon'ble tribunal given the direction on 18-2-2003 to dispose of the representation which was dismissed without considering any document and averment made in the representation and again issued the transfer order applicant filed the copy of the order ~~and~~ Annexure A-1 is the order and A-2 is the order passed by this Hon'ble Tribunal A-3 is the letter for demanding the representation dated 3-3-2003 and the annexure A-4 is the calling letter for disposal the representation A-5 is the Railway journey pass from Gwalior to Jhansi and A-6 is the receipt of the representation with the annexures A-7 is the tranfer order and annexures A-8 is the order of the Hon'ble High Court, writ petition A-9 is the ~~Non~~ appointment letter and A-10 is the Representation with the order dated 31-10-95 annexure A-11 is the written statement given by respondent Annexure A-12 are the medical reports and medical certificate and said that the order based on the malafide ground showing that respondent No.4 is also given the post of announcer and did not require any other qualification and said that respondent did this discrimination and request to quashed the order

Humble -Applicant

Naseem -Bano -  
through counsel