

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 622/2003

Jabalpur, this the 18th day of February, 2005

Hon'ble Mr. M.P. Singh, Vice chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Arun Kumar Thakur aged 38 years
son of Shri R.P. Thakur, Assistant
Driver South Eastern Central Railway
Bilaspur, Chhattisgarh.

(By Advocate – Shri K.L. Pandey)

VERSUS

1. Union of India
Through The General Manager
South Eastern Central Railway
Bilaspur, Chhattisgarh.
2. The Sr. Divisional Personnel
Officer, Bilaspur Division
Bilaspur, Chhattisgarh.

Respondents

(By Advocate – Shri M.N. Banerjee)

ORDER

By M.P. Singh, Vice Chairman-

By filing this Original Application, the applicant has sought the following main reliefs :-

“A.to pass an order that the applicant be deemed to be promoted w.e.f. 16.09.2002 vide Annexure A-4.

B. to order the respondents to pay the applicant back wages in conformity with the same promotion order.

C.to re-fix the emoluments of the promoted post with the present post.

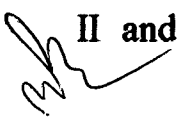
E. That his seniority may also kindly be restored.”

2. The brief facts of the case are that the applicant was appointed as Khalasi on 28.4.1990 and promoted as Technician Grade-III in the scale of Rs.3050-4590 on 1.6.1995. Thereafter, he had appeared in the test for selection to the post of Technician Grade-II in the scale of Rs.4000-6000.



The applicant has alleged that he has been selected for the said post vide order dated 16.9.2002, however, the respondents have not issued this order of promotion to the applicant till date, with the result juniors to him are drawing salary in the scale of Rs.4000-6000 whereas the applicant is still working in the grade of Rs.3050-4590. The applicant has submitted his representation against non-implementation of promotion order. The applicant has further submitted that though he has been selected as Assistant Driver Grade-III which is equivalent to Technician Grade-II, this does not amount to promotion in Grade-II. Since the applicant has not been promoted to the post of Technician Grade-II even after his selection, he has filed this OA.

3. The respondents in their reply have stated that the applicant while working as Technician Grade III was tested and promoted to the post of Technician Grade-II in the scale of Rs.4000-6000 vide order dated 16.9.2002 but he never joined as Technician Grade-II since prior to his promotion as Technician Grade-II, he was also selected as Assistant Electrical Driver (scale Rs.3050-4590) against the GDCE quota and he joined at Training Centre, Kharagpur on 22.10.2002. After completing the said training he has accepted the said post of Assistant Electrical Driver for getting the benefit of running allowance. Therefore, his averment regarding non-compliance of promotional order dated 16.9.2002 is totally false. The respondents have further submitted that as per the existing channel of promotion, the applicant was promoted as Technician Grade-II in scale Rs.4000-6000 in non-running group vide order dated 16.9.2002 but he never joined the said post of Technician Grade-II. Hence, drawing of salary in scale Rs.4000-6000 and loss of Rs.1,000/- per month is totally denied. The post of Technician Grade II relates to the non-running cadre. The applicant had already accepted the running group for the benefit of 30% mileage, OT and BRA i. e. Running allowance applicable to the running staff. Moreover, the pay scale of Rs. 3050-4590 in running group was equated with the pay scale of Rs.4000-6000 in stationary post in terms of Estt.Srl.No.90/2000 (Annexure-R-3). The respondents have further submitted that since the applicant did not join the post of Technician Grade-II and has also not shouldered the higher responsibility of Technician



Grade-II, his promotion as Technician Grade-II was not effected. In view of these facts, the respondents have urged that the present O. A. is devoid of any merit and is liable to be dismissed.

Heard the learned counsel of both the parties and carefully perused the pleadings available on record.

4. The main grievance of the applicant is that he has been selected and promoted to the post of Technician Grade-II in the scale of Rs.4000-6000 vide order dated 16.9.2002 but he has not been promoted to that grade as the order of promotion was not served on him. However, we find that the applicant in the meantime was selected as Assistant Electrical Driver in the scale of Rs.3050-4590 against the GDCE quota and he joined at Training Centre Kharagpur on 22.10.2002. On completion of his training as Assistant Electrical Driver, he has been posted as Assistant Driver in the scale of Rs.3050-4590 on regular basis vide order dated 14.5.2003. The applicant at his own not joined the post of Technician Grade-II, as his posting as Assistant Electrical Driver, which is in the running category^{and 2} was more beneficial to him as compared to the stationary post of Technician Grade-II (Rs.4000-6000). Moreover, the pay scale of Rs. 3050-4590 in running group was equated with the pay scale of Rs.4000-6000 in stationary post in terms of Estt.Srl.No.90/2000 dated 13.6.2000(Annexure-R-3). Since the applicant had already been appointed in the running category staff in the scale of Rs.3050-4590 which has been equated to the scale of Rs.4000-6000 in the stationary post, he is not entitled to get any relief claimed by him in this O.A. In this view of the matter, we do not find any merit in this Original Application and the same is liable to be dismissed.

5. In the result, the Original Application is dismissed, however, without any order as to costs.

(Madan Mohan)
Judicial member

(M.P.Singh)
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

सतिलिपि अजे शित:-

- (1) सचिव, उच्च न्यायालय कार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/यु.....के काउंसल
- (3) प्रत्ययी श्री/श्रीमती/यु.....के काउंसल
- (4) वंशधर, के.प्र.अ., जबलपुर न्यायाधीश सचिवा एवं आवश्यक कार्यवाही हेतु

rkv

22/2/03

उप रजिस्ट्रार

K.L. Pan Deo
Bilal
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