

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 851 of 2003

Jabalpur, this the 17th day of September, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. A.K. Bhatnagar, Judicial Member

Prakash Ramji Bhowate,  
aged about 45 years,  
son of Ramji Bhowate, Technician  
Grade-I, Electric Loco Shed, Itarsi,  
Western Central Railways,  
Itarsi(MP)

APPLICANT

(By Advocate - Shri Saurabh Tiwari on behalf of  
Shri A.G. Dhande)

VERSUS

1. Union of India,  
through the General Manager,  
Western Central Railways,  
Mumbai(MS)
2. Senior Divisional Electrical  
Engineer(TRS), Western Central  
Railways, Itarsi.
3. Divisional Railway Manager,  
Western Central Railways,  
Bhopal(M.P.)

RESPONDENTS

(By Advocate - Shri S.S. Gupta)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the  
following main relief :-

"i. quash the order dt.1.10.2003(ANN-A/9) issued  
by the respondent No.2 and command the respondents  
to adjust the petitioner in the Drawing Section  
under respondent no.2 and to pay him his dues;"


2. The brief facts of the case are that the applicant  
was appointed as Sign Writer/Draftsman on 19.6.1984 and  
posted at Central Railway Nagpur Electrification. Subsequently  
he was appointed as Technician Grade-III and in due course  
he was promoted as Technician Grade-II in the pay scale of  
Rs.4000-6000 in the year 1996. The applicant was posted in  
Drawing Section and was assigned the work of preparation of  
drawing/designs sample drawings, maintaining records etc.  
He had earlier requested for change of his cadre as Assistant  
Draftsman or Junior Engineer Drawing in the pay scale of  
Rs.5000-8000. According to him, the persons working in the

Drawing Section have already been promoted as Junior Engineer Drawing but his case has not been considered in spite of having duly received the recommendations from higher authorities. The persons who have not passed the I.T.I. examination in Drawing have also been promoted, but he has been discriminated. Hence this OA.

3. In reply, the respondents have stated that the applicant was put to work as Technician Grade-III in Drawing Section in September, 1995. In due course he was promoted as Technician Grade-I in the pay scale of Rs.4500-7000 w.e.f. 1.5.1998 after passing the requisite trade test. He was put to work as Technician Grade-I in Drawing Section, while his substantive status was Technician Grade-I, Electrical TRS Section. He had applied for change of his cadre from Technician Grade-I to Assistant Draftsman or Junior Engineer in the pay scale of Rs.4000-6000/- Rs.5000-8000. The request of the applicant for absorption in higher post of Junior Engineer-II in the grade of Rs.5000-8000 was considered by the department, but he was not found fit, as the said post was not in normal channel of promotion of the applicant. The respondents have further contended that the applicant will be considered for promotion in his own channel whenever occasion arises. The applicant was shifted in the same office from one section to another section in the interest of administration. The applicant wants his posting to a particular post, for which decision to abolish the post has been taken by the Railway Board. Therefore, the applicant cannot be posted in desired Drawing Section as Assistant Draftsman. Hence, the OA is liable to be dismissed.

4. Heard both the learned counsel and perused the records.

5. It is an admitted position that the applicant has been appointed as Technician Grade-I, however, he has been assigned the work of drawing. As per the recommendations of the Vth CPC, the Railway Board, Ministry of Railways had



decided to introduce a new scale of Rs.7450-11500 in the cadre of Drawing, Design and Estimating. Keeping in view the changing work pattern in the Drawing Offices, the introduction of this new grade shall be accompanied by abolition of the category of Assistant Draftsman in grade Rs.4000-6000 (R.B.E.No.223/98 dated 28.9.1998-Annexure-R-IV). In the said order it was further stated that "50% of the posts lying vacant in the grade Rs.4000-6000 as on 1.9.1998 shall stand surrendered and the remaining 50% will be upgraded to the grade Rs.5000-8000.". In view of this policy of the Railway Board, since the post of Assistant Draftsmen are being abolished, it has not been possible for the respondents to change his cadre. However, the respondents-railways have stated that he will be considered in his own line of promotion. In view of the fact that the applicant has not been discriminated nor his junior was appointed against the post of Assistant Draftsman, he cannot claim his absorption as Assistant Draftsman/Junior Engineer as a matter of right.

6. In the result, for the reasons stated above, we do not find any merit in this OA. Accordingly, this OA is dismissed, however, without any order as to costs.

(A.K.Bhatnagar)  
Judicial Member

(M.P.Singh)  
Vice Chairman.

rkv.

पूजावन सं ओ/न्या.....जबलपुर, दि.....  
प्रतिनिधि अख्य बिल:-

- (1) सचिव, उच्च न्यायालय का प्रसंगिकेशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/श्री.....के कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती/श्री.....के कार्यालय
- (4) अधिवक्ता, उच्च न्यायालय, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

Issued  
On 10.11.04  
BS

P.जी. धार 200  
P.D.P. 4.1.07