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Original Application No. 393/2001

Jabalpur, this the 15th day of June, 2004

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

Sri Uma Shankar Prasad,
S/o Sri Mathni Prasad,
Aged about 39 years,
Helper Khalasi, Senior SE/RC
DRM Office, Central Railway,
TRD Branch, Habibganj, Bhopal
(Madhya Pradesh)

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
Secretary,
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi.
2. General Manager,
Central Railway,
Mumbai CST (Maharashtra).
3. Divisional Railway Manager,
Central Railway,
Bhopal (Madhya Pradesh).
4. Sri Anil Kumar Shrivastava,
Technician, Grade III,
Office of Senior SE Remote Control
DRM Office, TRD Branch,
Bhopal (Madhya Pradesh).

...Respondents

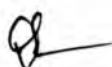
(By Advocate:- Shri M.N. Banerjee)

O R D E R

By Madan Mohan, Member (Judicial)-

By filing this O.A. the applicant has sought the following main reliefs:-

- a) quash order dated 15.4.1998 (Annexure A-1) being unjustified/illegal.
- b) direct the respondents to consider the case of the applicant for his promotion/appointment to the post of Electrical Grade III.



2. The brief facts of the case are that the applicant was appointed as Casual Labour on daily wages in Railway Electrification, Mathura w.e.f. 21.10.1981. He was transferred to Railway Electrification, Bhopal Division from April, 1988. In the Bhopal Division he was given open line posting from 13.09.1988. After screening he was given posting as Khalasi w.e.f. 29.11.1989. He was promoted as Helper Khalasi in the scale of Rs. 800-1150/- w.e.f. 20.9.1995 by order dated 20.09.1995. It is further contended that Sri Anil Kumar Shrivastava (respondent no. 4) who was a casual labour was regularised as Khalasi in the scale of Rs. 750-940/- by order dated 16.3.1998. He is very much junior to the applicant ^{he} and has been given direct appointment from the post of ~~人~~ Khalasi to the post of Electrical Fitter Grade III in the scale of Rs. 3050-4590 by impugned order dated 15.4.1998 ignoring the claim of the applicant and other similarly placed employees.

2.1 The applicant and other similarly placed employees submitted their representations on 14.1.2000, 3.3.2000 and 5.7.2000 to respondent no. 3 against the illegal promotion/ appointment of respondent no. 4 ignoring their claim but the respondent no. 3 did not take any action to look into their grievances.

3. Since none is present on behalf of the applicant and the matter being old one pertaining to the year 2001, we propose to decide the matter by invoking the provisions of Rule 15 of C.A.T. (Procedure) Rules, 1987. We have heard the learned counsel for the respondents and perused the material on record.

4. Learned counsel for the respondents has drawn our attention towards office Order No. 872/2001 dated 13-14.12.2001 by which respondent no. 4, at his own request, has been transferred placing him at the bottom of the seniority. He has further drawn our attention to the effect that the applicant had appeared in the written test on 11.11.2000 but he could



qualify the same.

5. After hearing the learned counsel for the respondents and careful perusal of the record, we find that since the respondent no. 4 has been transferred at his own request placing him at the bottom in the seniority list, the only grievance of the applicant that the respondent no. 4 is junior to him has come to an end. However, so far as promotion to the post of Electrical Grade III is concerned, he is not entitled for such promotion when he has failed in the written test conducted on 11.11.2000.

6. In the facts and circumstances of the case, we find that the O.A. is bereft of merit and the same deserves to be dismissed which is accordingly dismissed with no order as to costs.

(Madan Mohan)
Member (J)

(M.P. Singh)
Vice Chairman

/na/

पूरांकन सं ओ/व्या.....

पतिरिपि अरौ रिपि:-

- (1) सविन, उच्च न्यायालय का प्रविधान, जलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रवर्ती श्री/श्रीमती/कु.....के काउंसल

✓ (4) काउंसल, श्री/श्रीमती/कु.....के काउंसल

स. न. ए. न्यायालय काउंसल

24.6.04

SK Ray
MN Sanyal
25 Ray

Issued
On 24.6.04
BS