

THE CENTRAL ADMINISTRATIVE TRIBUNAL: CIRCUIT SITTING

AT INDORE (MP)

T.A. NO.76/99

APPLICANT: Sanju Kumar S/o. Lalluji Pasi, aged 23 years,
Occupation- Stores Clerk, under Senior Section
Engineer, Loco Shed, Chittaurgarh (Raj.)

V/s.

RESPONDENTS: 1. Union of India through the General Manager
Western Railway, Churchgate, Mumbai-20
2. The Divisional Rail Manager,
Western Railway, Ratlam Division,
Do-Batti, Ratlam.
3. The Senior Section Engineer,
Western Railway, Loco Shed,
Chittaurgarh.

T.A. NO.67/99

APPLICANT: Pratap Singh Damor S/o. Shri Punia Damor,
aged 26 years, Occupation: Service
Clerk in E-VI Section of Divisional
Office- Ratlam.

V/S.

RESPONDENTS: 1. The General Manager, Western Railway,
Churchgate, Mumbai.
2. The Divisional Railway Manager,
Western Railway, Ratlam.

T.A. NO.70/99

APPLICANT: Manoj Kumar S/o. Vishnulal Bidawat,
aged 24 years, Occupation- Service
Booking Clerk under Senior Section Engineer,
Western Railway, Chittaurgarh.

V/S.

RESPONDENTS: 1. Union of India through
The General Manager
Western Railway, Churchgate,
Mumbai.
2. The Divisional Railway Manager,
Western Railway, Ratlam Division.
RATLAM.
3. Senior Section Engineer,
Western Railway,
Loco Shed- Chittaurgarh.

T.A. NO.69/99

APPLICANT: Ambeshwar Singh S/o. Ugrasingh,
aged 39 years, Occupation-Service
& Clerk Scale Rs.3050-4500 Works Section
Divisional Railway Manager's Office
RATLAM.

contd....2....

V/S.

- RESPONDENTS. 1. Union of India through
The General Manager,
Western Railway, H.Qrs. Office,
Churchgate- Mumbai-20
2. The Divisional Railway Manager,
Western Railway, Do-Batti, RATLAM.

T.A. NO.77/99

APPLICANT: Arvind Saxena S/o. Rajendraprasad
aged 31 years, Occupation- Service
Pay Bill Clerk Gr.3050-4500
Estt. VI Section Divisional Office,
Western Railway, Ratlam.

V/S.

- RESPONDENTS: 1 Union of India through
The General Manager, Western Railway
H.Qrs. Office,
Churchgate- Mumbai-20
2. The Divisional Railway Manager,
Western Railway, Divisional Office,
Do-Batti, Ratlam (MP)

COUNSEL

Shri G.L. Gupta for applicants in all the TAs mentioned above.
Shri Y.I. Mehta for respondents in all the TAs mentioned above.

CORAM

Hon'ble Shri Justice R.N. Ray, Vice Chairman
Hon'ble Shri H.O. Gupta, Member (A)

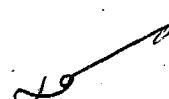
ORDER (ORAL)

(Passed on this the 13th day of October, 1999)

BY: HON'BLE SHRI JUSTICE R.N. RAY, VICE CHAIRMAN

It has been contended by the learned counsel for the applicant that the applicant was initially appointed on compassionate grounds after due test and having been found fit for the post of Commercial Clerk. As the post of the Commercial Clerk was not available with the respondents, he was asked to work as a Clerk. XXXXXXXX

contd...3...



till the vacancy for Commercial clerk is made available. Thereafter the applicant was asked to appear in typing test, but he did not qualify the same and as such the applicant was reverted to the Group 'D' post. Against this reversion, the applicant filed a writ in the High Court on which status quo order was passed by High Court on 13.5.99 which was further continued vide order dated 19.8.99 wherein it was ordered that the status quo order passed by this court on 13.5.99 shall continue to remain in force till Tribunal considers the merit of the petitioner's claim and passes appropriate order in the matter. Ultimately, this case has come to Tribunal on transfer from High Court and has been marked as TA No.76/99.

2. After hearing both the sides at length, this TA is disposed of with the directions that the applicant shall be allowed to continue on the post on which he is working at present and as and when the post of Commercial Clerk arises, he shall be given the post of Commercial Clerk.

3. The contention of the respondents that since the applicant has accepted the post of clerk, he is estopped from claiming the appointment in the post of Commercial Clerk, is disagreed. It is further held that the applicant may make representation immediately to the respondents that he should immediately be given the post of Commercial Clerk as and when the vacancy arises. We do not agree with the contention

contd...4...



of the respondents regarding estoppel.

4. In the circumstances, this TA is disposed of with the directions as given in para 2 above, without any order as to costs.

5. This order shall also apply to TA No.77/99, 69/99, 67/99 and 70/99, ~~mutatis mutandis~~ mutandis.


(H.O. GUPTA)
MEMBER (A)


(R.N. RAY)
VICE CHAIRMAN

पृष्ठांकन सं ओ/व्ही. अबलपुर, दि.....
प्रतिलिपि अच्चे गिरतः—

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, अबलपुर दो कपीजल G.L. Gupta, Adv; Ratlam (5 copies)
(2) आवश्यक श्री/महिला/कु. को काउंसल Smt. K.L. Mehta, Adv. Indore (5 copies)
(3) अव्याधी श्री/महिला/कु. को काउंसल Smt. K.L. Mehta, Adv. Indore (5 copies)
(4) न्यायालय, के.स.आ. अबलपुर न्यायालय देश
संस्कार एवं आवश्यक कार्यवाही देश P.M. 29.10.99
उप रजिस्ट्रर

Issued
on 29.10.99
