

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 292 of 2000

Jabalpur, this the 5th day of January, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member

Ajay Pal Singh Kulshreshtha
S/o Shri S.P. Kulshreshtha
aged 37 years, working as
Junior Engineer, Gr.II(Signal)
in the office of, Divisional
Railway Manager(S&T),
Central Railway, Bhopal(MP)

APPLICANT

(By Advocate - Shri L.S. Rajput)

VERSUS

1. Union of India,
thro' the Secretary,
Railway Board,
New Delhi.
2. Chief Personnel Officer,
Central Railway,
CST, Mumbai(Maha)
3. The Divisional Rail Manager(P)
Central Railway, Bhopal(MP)
4. Senior Divisional Signal
Telecommunication Engineer
Central Railway,
Bhopal(MP)

RESPONDENTS

(By Advocate - Shri S.P. Sinha)

O R D E R (ORAL)

By G.Shanthappa, Judicial Member -

The above OA is filed by the applicant seeking the relief to quash the order dated 14.2.2000(Annexure-A-1) and further direction to the respondent No.2 to permit the applicant to appear in the ensuing Departmental promotion Examination for the post of Section Engineer(Signal) so long as the applicant is physically working in the Bhopal Division and borne on the strength of Bhopal Division. While granting the interim prayer this Tribunal has passed the order on 2.8.2000 which is extracted below :-

Learned counsel for the applicant submits that the controversy remains whether he is in Bhopal Division or Jhansi Division. However he prays that he may be permitted to appear in the examination

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Provisionally but result may not be declared and result will be subject to decision of this OA. We think that his prayer is cogent and accordingly it is ordered that applicant may be permitted to appear provisionally in the examination scheduled on 5.8.2000. However, his result may not be declared pending decision of this OA.

2. Heard the learned counsel for the applicant and respondents, perused the material available on records.

3. According to the reply of the respondents, ^{the} we find that/ respondents have produced order dated 22.11.96 (Annexure-A-2) stating that the name of the applicant has been allocated to Jhansi Division. Similarly one Shri Ram Roop is allocated to the Jhansi Division. On the basis of the said letter the case of the applicant has to be considered at par with the official one Shri Ram Roop, if the applicant is qualified. Annexure-A-15 produced by the applicant, ^{in which} the name of Shri Ram Roop is allocated at Bhopal Division. According to the option, vide letter dated 22.11.96 both ^{was} the applicant and Shri Ram Roop/allocated to Jhansi Division. In Jhansi Division if there is no vacancy, as and when the vacancy arise in the Jhansi Division, the applicant has to be accommodated if he is qualified. However we find under Annexure-A-15, Ram Roop appeared in the test of ^{Section} /Engineer(Signal) in the Grade of 6500/- to 10,500/- in Bhopal Division and he was qualified in the test, and he has also appointed to the said post in Bhopal Division.

5. The case of the applicant is also similar. He has also been allocated to Jhansi Division like Ram Roop vide order dated 2.8.2000 of this Tribunal. He has been provisionally permitted ^{permitted to take} examination for the said post and its result is kept in sealed cover. If the applicant is qualified in the said examination he should be appointed ^{of} to the said post/Section Engineer(Signal) under the pay scale Rs.6500 - 10,500/- in Bhopal Division and he should not be discriminated against one Shri Ram Roop, who has

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already been appointed by the respondents to the post of Section Engineer on the basis of the said examination vide Annexure-A-15.

6. As the learned counsel for the applicant has contended that the Ram Roop posted as Section Engineer(Signal) in Bhopal Division, in case Ram Roop is failed in the aforesaid examination, ^{such being the case} the same treatment will be given to the applicant. In case the applicant ^{is} qualified ⁱⁿ the aforesaid examination, he should be appointed to the post of Section Engineer(signal).

7. With the above observation, the OA is allowed. The order dated 14.2.2000(Annexure-A-1) is quashed and set a side. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

पृष्ठकन सं ओ/न्या.....नवलपुर, दि.....
पतिविधि आगे निम्न

- (1) सतिन, न्याय चवकन आ न्यायि न्याय न्यायनपुर
- (2) आनन्द जी न्यायि/न्याय..... न्यायनपुर L S Rayput, Adv.
- (3) न्यायि न्यायि/न्याय..... न्यायनपुर SP Sinha, Adv.
- (4) न्यायि न्यायि, न्यायनपुर

सुचना एवं आवश्यक न्यायि न्याय

Rajendra
15/1/04

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