

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 307/1999

Jabalpur, this the 20th day of January, 2004

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

Radhe Shyam Rathore
s/o late Sh. Rajmal Rathore,
R/o Railway Quarter No. RB III 444/A,
New Yard Itarsi, Distt. Hoshangabad.
(Madhya Pradesh)

...Applicant

(By Advocate: Shri L.S. Rajput)

- Versus -

1. Union of India through
The General Manager,
Central Railway,
MUMBAI-CST (Maharashtra).
2. Divisional Railway Manager,
Central Railway,
Habibganj, Bhopal (MP).

...Respondents

(By Advocate: Shri S.P.Sinha)

ORDER (ORAL)

By M.P.Singh, Vice Chairman -

By filing the present O.A. the applicant has claimed
the following reliefs:

- i) Command the entire records of modified selection
and also the relevant rules regarding lien &
promotions of regular staff working in an "Open-
Cadre", for the perusal of the Hon'ble Tribunal,
at the time of hearing;
- ii) Quash the impugned order Annexure A-1 dated
24.5.1999 declaring it as illegal;



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iii) Direct the respondents to consider the applicant for promotion to the Grade Rs. 6500-10,500(RSRP) in the same way as has been done in the case of Sh. Sudha Ram Samanta;

iv) Direct the respondents to promote and fix seniority of the applicant in the TRS Cadre in Grade of Rs. 6500-10500(RSRP) w.e.f. 1.3.1993 and give all monetary benefits flowing from such retrospective promotion.

2. Heard the learned counsel for both the parties.

3. Learned counsel for the applicant states that he will be satisfied if the applicant is regularised from the date he has been working on ad-hoc basis i.e. from 27.1.1994. On the other hand, the learned counsel for the respondents states that since a post in the grade of Rs. 2000-3200/- in which the applicant has been working is available, the applicant will not be reverted and he will be regularised in that post.

4. We have considered the rival contentions and we find that the applicant was appointed on ad-hoc basis to the grade of Rs. 2000-3200/- vide order dated 27.1.1994 (Annexure A/6). The respondents have taken the plea that applicant was found un-suitable in the selection held on re-structuring of the cadre w.e.f. 1.3.1993. But we find from the record that after the selection held in 1993, the applicant has not participated in the subsequent selections. However, the learned counsel for the respondents has now given an undertaking that the applicant will not be reverted and regularised in the present post.

5. In the facts and circumstances of the case, it would be in the fitness of things to direct the respondents to consider the regularisation of the applicant in that grade from 27.1.1994 if he had continuously worked in that grade. The respondents are accordingly directed to consider the regularisation of the applicant from the date he has been holding the post in the grade of Rs.2000-3200/- ^{W.H.} continuously i.e. 27.1.1994 if he has been working

from that date continuously.

6. With the above directions the O.A. is disposed of. No costs.

Ginanappa
(G. Shanthappa)

Judicial Member

WPS
(M.P. Singh)
Vice Chairman

/na/

पूळांकन सं ओ/न्या.....जवलपुर, दि.....
प्रतिलिपि दर्जे दिनः—

(1) सचिव, उच्च न्यायालय वा उच्च न्यायालय, जवलपुर
— (2) अधिकारी/कानूनी/जू. वा उच्च न्यायालय, जवलपुर L.S Rayput
— (3) उच्च न्यायालय वा उच्च न्यायालय, जवलपुर S.P. Singh, M.A.
— (4) उच्च न्यायालय वा उच्च न्यायालय, जवलपुर
सूचना द्वा अधिकारी/कानूनी/जू. वा उच्च न्यायालय, जवलपुर
उप राजराजेश्वर

Fusseh
6/2
29/1/04

Rajender
29/1/04
उप राजराजेश्वर