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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.572 of 1997

Jabalpur, this the 15th day of January, 2003.

Hon'ble Mr. Justice N.N.Singh- Vice Chairman
Hon'ble Mr. Sarveshwar Jha- Member (Admnv.)

Bhagwant Chandel, aged 37 years,
S/o Pransingh Chandel, R/o Bankhedi
Ward No.30, Guna, Distt. Guna (MP)

-APPLICANT

(By Advocate- Mr. S.Nagu)

Versus

1. Union of India through the
Secretary, Ministry of Railway,
New Delhi.
2. The Divisional Railway Manager,
Central Railway, Bhopal.
3. The Asstt. Engineer, Central
Railway, Guna.

-RESPONDENTS

(By Advocate- Mr. S.P.Sinha)

O R D E R (ORAL)

Heard. The applicant, who is an employee of Central Railway, was initially appointed as on Monthly Rated Casual Labour (MRCL) on 17.1.1985 in Western Railway, and who was subsequently transferred to the Central Railway, was granted permanent status with effect from 15.6.1987. He was permitted to participate in a trade test for the post of Motor Driver on 12.10.1991 along with another person, namely, Sabir Ali. The applicant was apprised of his having passed the test on 16.1.1992. However, till date, he has not been appointed as Motor Driver, while the other person Shri Sabir Ali has been appointed as a Motor Driver. The applicant has also submitted that in the mean time persons junior to him have been appointed as Motor Driver, even though he had cleared the trade

test for the post of Motor Driver in the year 1992 itself. The applicant claims that he may be given the same benefit as has been given to Shri Sabir Ali vide Annexure A/3 to the O.A. He has also prayed that he may be promoted and his services regularised in the post of Motor Driver with effect from the date of his having passed the trade test, i.e., from 1.1.1992 with consequential benefits.

2. The respondents in their reply have admitted that the two persons, the applicant as well as Shri Sabir Ali appeared in the trade test on the same date and were declared having passed the test together on 16.10.1992. They have, however, maintained that while Shri Sabir Ali was working as a casual Motor Driver on the date of said trade test, the applicant was working in Group-D post on the said date. Therefore, on having passed the trade test, Shri Sabir Ali was given regular appointment to the post of Motor Driver, the applicant continued to hold the Group 'D' post. ~~xxxxxxxxxx~~ He was granted temporary status as has been stated above. The respondents have maintained all along that the cases of the two are not comparable because right from the begining, the two were working in different capacities, namely, ~~xxxxxx~~, Sabir Ali working as a Group 'C' employee and the applicant working as a Group 'D' employee. Therefore, they have submitted ^{that} the benefits, which have been extended to Shri Sabir Ali, cannot be extended to the applicant simply because he has ~~xxxxxx~~ passed the trade test alongwith Sabir Ali.

3. The applicant has submitted a rejoinder to the written reply filed by the respondents in which he has ~~xxxxxx~~ submitted that his juniors have been appointed as Motor Drivers, and his case has been ignored. He has also

submitted that the post of Motor Driver is still lying vacant at Guna and several other places, and therefore, on the basis of his having passed the trade test, he is entitled to be given the same treatment as has been given to other Khalasis/Gangman who have passed the similar test later.

4. The learned counsel of the respondents, in his reply to the submissions of the learned counsel of the applicant, has submitted that the juniors who have been given appointment to the post of Motor Driver are from different departments and their seniority is not comparable with the applicant. Therefore, the contention of the learned counsel of the applicant that junior persons have been appointed to the post of Motor Driver is not correct.

5. After having considered the submissions of both sides and particularly the fact that juniors from other departments have been considered and promoted as Motor Driver, we are constrained to observe that this situation is not a very healthy situation. In fact, keeping in view the recommendations of the various Pay Commissions on the subject that viable cadres should be created in respect of posts, which are isolated and do not have sufficient higher posts, to provide for appropriate promotion prospects, it would be expected of the respondents, particularly respondent No.2, that the posts of Driver in the various departments of the Division should be part of one cadre so that situation like the present one could be avoided. Under the present situation, junior persons in one department of the Division get promoted as Motor Drivers while seniors in other departments of the Division continue to languish in the lower posts.

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Keeping in view the fact that the applicant has submitted that there are vacancies at Guna and several other places under the Division and also the fact that junior persons in other departments of the Division have been promoted as Motor Drivers in spite of the fact that the applicant has passed the trade test in the year 1992, we are of the view that the prayer of the applicant deserves to be considered by the respondents on priority basis and their endeavour shall be to appoint him at the earliest against the post of Motor Driver as available in the over all Division on the basis of the trade test, which he has passed in the year 1992 itself. As this applicant has been waiting for about 10 years since he has passed the trade test for the post of Motor Driver, it shall be expected that the prayer of the applicant is considered and disposed of by the respondents by giving him suitable promotion to the post of Motor Driver within a period of six months from the date of receipt of this order. With this, this O.A. stands disposed of with no order as to costs.

John H. M.

(Sarveshwar Jha)
Member (Admrv.)

Monk

(N.N.Singh)
Vice-Chairman

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