

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur; this the 12 day of January, 2010

OA No.127/2005

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. B.L.KHATRI, MEMBER (ADMV.)

Banshraj Saroj
s/o Shri Ram Nath Saroj,
r/o 132/L, Railway Bunglow,
Railway Colony, Gangapur City and
Presently working as Trained Graduate Teacher,
Railway School, Gangapur City.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. President and Senior Divisional Personnel Officer, West Central Railway, Kota Division, Kota.
4. Shri Ranjit Bahadur, Post Graduate Teacher (Economics), Railway School, West Central Railway, Gangapur City, (Rajasthan).

.. Respondents

(By Advocate: Shri G.C.Gupta, proxy counsel for Shri S.P.Sharma for resp. No. 1 to 3 and Shri Amit Mathur for respo.No.4)

ORDER

Per Hon'ble Mr. M.L.Chauhan, M(J)

The applicant who was working as Trained Graduate Teacher (TGT), Railway School, Gangapur City has filed this OA thereby praying for the following reliefs:-

- I) That the entire record relating to the case be called for and after perusing the same, respondents may be directed to give regular promotion to the post of Post Graduate Teacher Economics in the scale of Rs. 6500-10500 against post occupied by respondent No.4 by quashing appointment letter dated 17-18/2/2005 (Annexure A/1) with all consequential benefits.
- II) That the respondents be further directed to fill up the post by way of promotion on the basis of divisional seniority.
- III) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- IV) That the costs of this application may be awarded.

2. Briefly stated, facts of the case are that the applicant was initially appointed as TGT in the scale of Rs. 5500-9000 and subsequently he was granted selection grade after completion of 12 years' service w.e.f. 30.9.1988. It is case of the applicant that in the year 1999-2000 he was asked by the Principal to take higher classes of Economics subject. It is further stated that respondents notified vacancy of Post Graduate Teacher (PGT) in subject of Economics at Bandikui Railway School in the year 2001 and junior to the applicant was selected. The grievance of the applicant in this OA is that one post of PGT (Economics) in the scale of Rs. 6500-10500 has been occupied by respondent No.4 who has been

posted vide impugned order dated 17-18.2.2005 (Ann.A/1)

whereas the said post could not have been filled in except by way of promotion on the basis of divisional seniority. It is on the basis of these facts the applicant has filed this OA thereby praying for the aforesaid reliefs.

It may also be stated here that the applicant has earlier filed OA No.182/2004 which was dismissed by this Tribunal vide order dated 21st July, 2005 whereby prayer of the applicant to allow ad-hoc/regular promotion to the post of PGT (Economics) in the scale of Rs. 6500-10500 and to allow higher responsibility benefits to the applicant pursuant to assigning him classes of Economics in the year 1999-2000 was rejected on the ground that the applicant is not entitled to the pay scale of PGT (Economics) for the duty performed by him in 1999-2000 on the basis of equal pay for equal work as assigning of work of a higher post/current duty charge of another post did not amount to promotion. Regarding the prayer for granting promotion to the post of PGT (Economics) at Railway School, Gangapur City, this Tribunal observed that since the selection has been made ignoring the claim of the applicant and separate OA is pending for consideration, the said issue was not decided.

3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have stated that the application for filling up vacancy of PGT in the pay scale of Rs. 6500-10500 were notified vide notification issued from Headquarter, Churchgate, Mumbai on 9.8.2001 in the subject of

Hindi, Economics, Mathematics and Biology and post of Economic Teacher was advertised at Bandikui Railway School (Ann.R/2). It is further stated that pursuant to such notification, the applicant was asked to appear before the Selection Committee vide letter dated 7.1.2001 but the applicant was not selected, as is evident from letter dated 14.5.2002 (Ann.R/3). It is further stated that pursuant to applicant's representations dated 12.9.2002, 13.3.2003, 16.3.2003 and 2.3.2004 the competent authority has not given sanction for any promotion on ad-hoc basis and requests of the applicant were rejected as can be seen from letter dated 18.3.2004 (Ann.R4). It is also stated that the applicant has not challenged the selection made for the post at Bandikui at the relevant time, though person junior to him has been promoted. Regarding appointment of respondent No.4, the stand taken by the official respondents is that Kota Division of Western Railway was under the control of Headquarter, Churchgate, Mumbai, but after formation of new zone of West Central Railway in which Kota Division lie under the control of Headquarter of Jabalpur and in this regard order dated 13.9.2004 has been issued by the Headquarter at Jabalpur wherein control of school teachers cadre has been decided to be remain under the control of Headquarter at Jabalpur. That being the position, since seniority, selection, promotion was under the control of Headquarter at Jabalpur, therefore, respondent No.4 was rightly given appointment as PGT (Economics) in the scale of Rs. 6500-10500 vide order dated 17/18.2.2005 (Ann.A/1). To the similar effect is the reply filed by respondent No.4.

4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. The main grievance of the applicant is that respondent No.4 could not be given appointment vide order dated 17/18-2-2005 (Ann.A/1) as ~~he~~ was selected by Railway Recruitment Board, Bhopal which comes under Headquarter at Jabalpur and the post should have been filled in from a person working under Kota Division by way of promotion.

6. We have given due consideration to the submission made by the learned counsel for the applicant. We are of the view that the applicant is not entitled to any relief for the reasons stated hereinafter.

Admitted facts are that the applicant was appointed as TGT in Science stream and is still continuing in that capacity. Although for sometime, he was permitted to take higher classes in economic subject as the applicant has also obtained requisite degree in economic subject. From the material placed on record, it is also evident that in the past also the applicant faced selection test for the purpose of appointment as PGT in Economics speciality in the year 2001 but he could not qualify the said selection and, as such, the person junior to the applicant was appointed as PGT (Economics) in the pay scale of Rs. 6500-10500 vide letter dated 14th May, 2002 (Ann.R/3). It is also admitted fact that the applicant was selected by the Railway Recruitment Board, Bhopal when the post of PGT in Economics in the scale of Rs. 6500-10500 was advertised

vide employment notice No. 1/2002 vide order dated 25.2.2003.

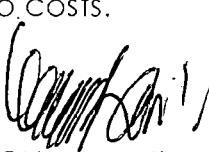
Admittedly, at the time when the applicant was selected, Kota Division was not under the control of Central Railway Headquarter at Jabalpur but was under the control of Western Railway Headquarter, Churchgate, Mumbai. It is also admitted fact and as can be seen from letter dated 13.9.2004 (Ann.A/5) the new zone of West Central Railway was created due to re-organisation of various railway zones and Kota became part of the newly created West Central Railway, Headquarter at Jabalpur. Admittedly, the post of PGT (Economics) at Gangapur City comes within the jurisdiction of Kota Division which forms part of Headquarter at Jabalpur. Since after formation of new West-Central Railway zone, the administrative control of Kota Division, so far it relates to seniority, selection and promotion of TGT/PGT etc. were under the control of Headquarter at Jabalpur and the applicant was selected as PGT (Economics) in open selection pursuant to advertisement issued by Headquarter office at Jabalpur, thus, we see no infirmity in the action of the respondents whereby the applicant has been given appointment on the post of PGT (Economics) in the scale of Rs. 6500-10500 much after formation of new railway zone i.e. West-Central Railway which forms part of Headquarter office at Jabalpur on the basis of panel prepared and post advertised. Further, from the material placed on record, the grievance of the applicant as ventilated by him vide his representation was regarding granting him promotion on ad-hoc basis on the post of PGT (Economics) and once the post has been filled in on regular basis through

Recruitment Board, such a relief of the applicant was rightly rejected by the competent authority vide letter dated 18.3.2004 (Ann.R/4) more particularly, when the applicant was working as TGT in Science subject and he has no indefeasible right to be promoted on higher post of PGT (Economics) on ad-hoc basis which belongs to another speciality.

Be that as it may, facts remain that respondent No.4 was selected pursuant to advertisement issued by the Railway Recruitment Board, Bhopal and he was given appointment pursuant to such selection after Kota has become part of the newly created railway zone of West Central Railway Headquarter at Jabalpur, as such, it was permissible for the competent authority to give appointment to respondent No.4 on the post of PGT (Economics) in the pay scale of Rs. 6500-10500 at Gangapur City as Headquarter, Jabalpur was the controlling authority in respect of such post.

7. For the foregoing reasons, the present OA is bereft of merit, which is accordingly dismissed with no order as to costs.


(B.L.KHATRI)
Admv. Member


(M.L.CHAUHAN)
Judl. Member

R/