

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

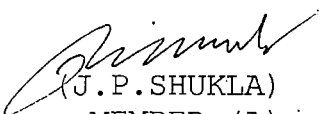
ORDERS OF THE TRIBUNAL

26.2.2008

OA 275/2006

Mr. Shiv Shanker, proxy counsel for
Mr. P. V. Calla, counsel for applicant.
Mr. Alok Garg, counsel for respondents.

Heard the learned counsel for the parties.
The OA stands disposed of by a separate order.


(J. P. SHUKLA)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 26th day of February, 2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

ORIGINAL APPLICATION NO.275/2006

Ram Lal 'B',
Shunter (Loco Pilot),
O/o Loco Foreman,
Railway Loco Running Shed,
Ajmer.

... Applicant

(By Advocate : Shri Shiv Shanker, proxy counsel for
Shri P.V.Calla)

Versus

1. Union of India through
General Manager,
North Western Railway,
Opposite Railway Hospital,
Jaipur.
2. Divisional Railway Manager,
Ajmer Division,
Ajmer.
3. Shri Yashwant Singh,
Shunter (Loco Pilot),
Loco Shed,
Abu Road.

... Respondents

(By Advocate : Shri Alok Garg)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying
for the following relief :

- "i) The impugned order Ann.A/1 dated 18.7.2006 in so far as it relates to the applicant and respondent No.3 may kindly be declared illegal;
- ii) by an appropriate writ, order or direction the official respondents to allow the applicant to work on the post of Shunter scale Rs.4000-6000 (Loco Pilot) as if the impugned order Ann.A/1 has never been issued.
- iii) The Original Application may kindly be allowed with costs."

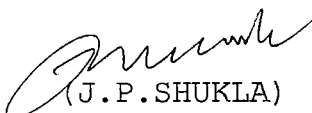
2. Briefly stated, the facts of the case are that the applicant alongwith other employees was promoted to the post of Loco Pilot (Shunting) in the pay scale of Rs.4000-6000 vide order dated ~~22.1.2002~~ ²²⁻¹⁻²⁰⁰³ vide impugned order dated 18.7.2006 (Ann.A/1) the applicant alongwith others was reverted from the post of Loco Pilot (Shunting) to the post of Senior Loco Pilot (Assistant Driver) in the same pay scale i.e. Rs.4000-6000. Being aggrieved by such action of the respondents, the applicant has filed this OA thereby praying for the aforesaid relief.


3. Notice of this application was given to the respondents, who have filed their reply. In the reply, the respondents have stated that the applicant was promoted as Loco Pilot (Shunting) in scale Rs.4000-6000 against the link vacancy of higher grade vide order dated 22.1.2002 (Ann.A/2) but he submitted his refusal for promotion against the said order dated 22.1.2002. After debaration period, he was again promotion vide order dated 21.11.2003. Thus, applicant's promotion on the post of Loco Pilot (Shunting) was effective w.e.f. 21.11.2003 and not w.e.f. 22.1.2002. It is further stated that the applicant and other junior employees were promoted as Loco Pilot (Shunting) in scale Rs.4000-6000 against link vacancies of higher grade and they were not promoted against the clear-cut vacancies or on regular basis. In para-7 of the reply-affidavit, the respondents have stated that the cadre strength of Loco Pilot (Shunting) was 56, whereas 77 Loco Pilot (Shunting) were working. Hence, they were reverted

from the post of Loco Pilot (Shunting) to that of Senior Loco Pilot (Assistant Driver) in the same scale i.e. Rs.4000-6000 vide order dated 18.7.2006 (Ann.A/1). It is further stated that the applicant belongs to SC category, whereas respondent No.3 belongs to ST category and as per the seniority list dated 24.5.2004 name of the applicant find mention at S.No.128, whereas name of respondent No.3 is placed at S.No.106. Thus, according to the respondents, the applicant cannot claim parity with respondent No.3, who is senior to him and who has not been reverted from the post of Loco Pilot (Shunting) as the said post was available against the roster point of ST.

4. The applicant has not filed any rejoinder to the reply filed by the respondents thereby controverting the stand taken by the respondents in the reply. Since the applicant was promoted against a link vacancy and there was no post of Loco Pilot (Shunting) available when promotion was granted to the applicant, as such, we see no infirmity in the action of the respondents in reverting the applicant vide Ann.A/1.

5. Accordingly, the present OA is bereft of merit and the same stands dismissed. Interim order granted on 26.7.2006 and extended thereafter from time to time shall stand vacated. No order as to costs.


(J.P.SHUKLA)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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