

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

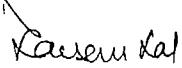
13.12.2007

Abdul Rafiq vs. UOI

OA No. 428/2007

Applicant present in person

Heard the applicant who is present in persons.
For the reasons dictated separately, the OA is
disposed of.


Tarsem Lal

(TARSEM LAL)
Admv. Member


(M.L.CHAUHAN)
Judl.Member

R/

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 13th day of December, 2007

ORIGINAL APPLICATION NO. 428/2007

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

Abdul Rafiq
s/o Shri Abdul Kayyum,
Ticket No.68330/21,
Junior Engineer (I),
Diesel-Electric,
Diesel Shop, Loco Workshop,
Ajmer.

.. Applicant

(Applicant present in person)

Versus

1. Union of India
through General Manager,
North Western Railway,
Jaipur
2. The Chief Workshop Manager,
Loco Workshop,
Ajmer
3. Dy. Chief Mechanical Engineer (Loco),
Loco Workshop,
Ajmer.
4. Sr. Personnel Officer,
Loco Workshop,
Ajmer.
5. Shri Rajiv Nayan Agrawal
s/o Shri Rasbiharidas Agarwal,
Data Processing Superintendent,
EDP Centre, Carriage Workshop,
Ajmer.

.. Respondents

O R D E R (ORAL)

The applicant has filed this OA thereby challenging the order dated 7.9.2007 (Ann.A1) whereby one Shri Rajiv Nayan Agarwal, who was working as Section Engineer in the scale of Rs. 6500-10500, Diesel-POH Electric (Loco), Ajmer has been transferred and posted against the post of Data Processing Superintendent in the same scale till the said post is filled on regular basis. Shri Rajiv Nayan Agarwal has been posted against the aforesaid post as the post of work charged Section Engineer (Diesel-Electric) has been abolished.

The grievance of the applicant is that he was senior to said Shri Rajiv Nayan Agarwal, as such, he should have been promoted on work charged post of Section Engineer (Diesel-Electric) on 8.9.2006 when the said benefit was extended to Shri Rajiv Nayan Agarwal. His further grievance is that even today, the said Shri Rajiv Nayan could not have been granted the scale of Rs. 6500-10500 being junior to the applicant and in case the benefit of higher pay scale has to be extended, it was the applicant who was eligible for the said scale even on temporary/ad-hoc basis.

2. We have heard the applicant, who is present in person.

3. From the material placed on record, it is also evident that the applicant has made representations to the Chief Workshop Manager on 11.9.2007 (Ann.A4) and 17.10.07 (Ann.A5) which have not been disposed of so far.

4. In these circumstance, without entering into merit of the case and keeping in view the facts and circumstances of the case and the plea raised by the applicant in this OA, we are of the view that it will be in the interest of justice, if direction is given to respondent No.2 to decide representations of the applicants by passing speaking and reasoned order. Accordingly, respondent No.2 is directed to decide representations of the applicant Ann.A4 and A5 by passing reasoned and speaking order within a period of 4 weeks from the date of receipt of a copy of this order.

5. With these observations the OA is disposed of at admission stage. In case the applicant is still aggrieved, it will be open for the applicant to agitate the matter afresh and disposal of this OA will not come in his way for raising such contentions, as admissible under law.

Tarsem Lal
(TARSEM LAL)
Admv. Member

M.L.Chauhan
(M.L.CHAUHAN)
Judl.Member

R/