

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

16.4.2008

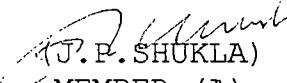
OA 134/2008 with MA 118/2008

Mr. Saugath Roy, counsel for applicants.

Applicants have moved MA 118/2008 praying for joining together. In view of the averments made in the MA, MA is allowed and the applicants are permitted to file joint application.

MA stands disposed of accordingly.

Heard learned counsel for the applicants in the OA. The OA stands disposed of, at admission stage itself, by a separate order.


(A.J.P. SHUKLA)
✓ MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 16th day of April, 2008

ORIGINAL APPLICATION NO.134/2008

CORAM :

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

1. Ganesh Lal Vishwakarma, Senior Clerk C/o DRM Office, North Western Railway, Jaipur.
2. Mrs. Nirmala Girdhani, Senior Clerk C/o DRM Office, North Western Railway, Jaipur.
3. Ramendra Kumar Meena, Senior Clerk C/o DRM Office, North Western Railway, Jaipur.
4. Moti Lal Meena, Senior Clerk C/o DRM Office, North Western Railway, Jaipur.

... Applicants
(By Advocate : Shri Saugath Roy)

Versus

1. Union of India through General Manager, North Western Railway, Hasanpura, Jaipur.
2. Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.
3. Shri Hari Kishan Gautam, Head Clerk, C/o DRM Office, North Western Railway, Jaipur.

... Respondents
(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicants have filed this OA thereby praying for the following relief :

- "8.1 That the record of the case relating to vacancies of Head Clerk, OS-II and OS-I be called from the official respondents, when no vacancy of head clerk is there even though respondent No.3 has been absorbed as such by a suitable writ, order or direction the impugned order of absorption of respondent No.3 dated 16.8.2007 from Assistant Station Master to Head Clerk as medically decategorised be quashed and set aside.
- 8.2 That by a suitable writ, order or direction the official respondents be directed not to absorb the respondent No.3 in the unit of establishment and he may be absorbed in some other unit as per 6.2 regulation of master circular 25.
- 8.3 That the official respondents be restrained not to absorb medically decategorised staff to establishment branch in future and timely promotions be accorded to the deserving candidates like applicants."

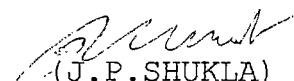
2. In sum and substance grievance of the applicants is regarding absorption of respondent No.3 in the category of Head Clerk, which has affected the promotional avenues of the applicants who are Senior Clerks. According to the applicants, absorption of respondent No.3 in the category of Head Clerk has been made contrary to the provisions of Master Circular No.25 (para 5.8, 6.2 & 6.6) (Ann.A/3). The applicants have also pleaded that at present against the sanctioned strength of 36 Head Clerks, 44 persons are working as Head Clerks and that is one of the grounds for non-absorption of the applicants against the category of Head Clerk. It has also been pleaded that around 34 posts are lying vacant in Operating/Commercial Unit, where respondent No.3 could have been absorbed. It is on the basis of these facts, the applicants have filed this OA.

3. From the material placed on record, it is also evident that the affected persons i.e. the applicants

have also made a representation dated 16.8.2007 (Ann.A/4) to respondent No.2 i.e. Divisional Railway Manager, North Western Railway, Jaipur, which has not been decided so far.

4. We have heard the learned counsel for the applicants at admission stage. We are of the view that this OA can be disposed of at this stage if a direction is given to respondent No.2 to examine the grievance of the applicants at the first instance. Accordingly, respondent No.2 is directed to treat this OA as representation on behalf of the applicants alongwith the representation (Ann.A/4), which is already pending consideration, and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order alongwith copy of the paper book. Needless to add that in case the applicants are still aggrieved by the order to be passed by respondent No.2, it will be open for them to file a substantive OA thereby challenging the said order.

5. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.



(J.P.SHUKLA)
MEMBER (A)



(M.L.CHAUHAN)
MEMBER (J)

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