

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE BENCH

27th August, 2009

OA. 30/2008

Present: Shri S.C.Sehti, counsel for applicant
Shri Mukesh Kumar proxy for Sh.T.P.Sharma, counsel for
Respondents No.2&3.
Shri Alog Garg counsel for resp.no.1,4&3

Heard counsel for the parties.

For the reasons to be dictated separately the OA is dismissed.



(M.L.Chauhan)
Member (Judicial)

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Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA 30/2008

This the 27th day of August, 2009

Hon'ble Shri M.L. Chauhan, Member (Judicial)

D.N. Varshney
S/o Shri Ramswaroop Varshney
Aged about 52 years,
At presently as Senior Section Engineer (Track Machines)
KOTA (Rajasthan)

Present Postal Address

Manju Sadan -II, Rangpur Road,
Post Office Ki Gali, Dadwar Colony,
Kota Junction. (Rajasthan)

...Applicant

(By Advocate: Shri S.C. Sethi,)

- VERSUS -

1. The General Manager, West Central Railway,
Jabalpur (Bhopal)
2. Divisional Railway Manager, (Karmik)
Bhopal
3. Deputy Chief Engineer (TM) Bhopal
West Central Railway, Bhopal
4. Shri B.K. Gupta, SSE (T.M.)
West Central Railway, Kota (Raj)
5. The Divisional Railway Manager,
West Central Railway, Kota (Raj)

.....Respondents

(By Advocate: Shri Mukesh Kumar proxy for Sh. T.P. Sharma No.2&3)
Shri Alok Garg counsel for Resp.No.1,4 & 3)

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ORDER (ORAL)


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

- i) that the impugned orders Annexure A/1 and Annexure A/3 may kindly be quashed and set aside and the respondents may kindly be directed to retain the applicant as SSE/TM/STMD and incharge of the Depot Kota;
- ii) Any other relief which the Hon'ble Tribunal find justified in the facts and circumstances of the case may also be allowed to the applicant.

The grievance of the applicant in this case mainly is two fold. First grievance is that Shri B.K. Gupta, SSE(T.M), respondent No.4 is junior to the applicant and holding the post in the scale of Rs. 6500-10500 cannot be promoted to the post of SSE in the scale of Rs. 7450-11500. The second grievance is that charge of the post of STMD should be assigned to Senior most Section Engineer in the Division. Thus, it was not permissible for the official respondent to give charge SSE(^{ST-MD}~~STMD~~) to the respondent no.4. Respondents have filed reply and in the reply respondents has categorically stated that respondent No4 was promoted as SSE(^{T.M}~~STMD~~) in the pay-scale of Rs. 7450-11500 vide order dated 13.12.2007 and respondent No.4 is presently working in the pay-scale of Rs. 7450-11500 which is the same grade as that of the applicant. Respondents have further

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categorically stated that there are 3 posts of SSE (TM) in a Division. It is further stated that charge of the post of SSE(^{STMD}~~TM~~) can be given to any of the SSE whether he is Junior or Senior. It is further stated by the respondents that there are other Senior SSE(TM) than the applicant who is working against that post. Thus, the contention of the applicant that he has preferential right against the post SSE(STMD) as against Respondent No.4 can not be accepted. Respondent has also stated that applicant who is posted at Kota and drawing the salary in the scale of Rupees 7450-11500 as SSE(T.M) will not work under the Administrative Control of Shri B.K.Gupta . Rather applicant will hold independent charge of the machine and will work under Administrative Control of XEN(TM) Kota. In view of this specifically stand taken by the respondents, the contention of the applicant that he should be posted against the post of SSE(STMD) cannot be accepted. Thus, I see no infirmity in the action of the respondent whereby respondent has passed order dated 20.12.2007 (Annexure A-3) and (Annexure A-1). Accordingly the present OA is dismissed, with no order as to costs.


(M.L. Chauhan)
Member (Judicial)

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