

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

4.3.2008

OA 54/2008

Applicant present in person.

Heard. The OA stands dismissed 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 4th day of March, 2008

ORIGINAL APPLICATION NO.54/2008

CORAM :

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

Abdul Rafique,
Ticket No.68330/21,
Junior Engineer (Ist) Diesel,
Diesel Electric Shop,
Loco Workshop,
Ajmer.

(By Advocate : In person)

... Applicant

Versus

1. Union of India through
Chief Workshop Manager (Personnel),
Loco Workshop,
Ajmer.
2. Shri Rajiv Nayan Agrawal,
Data Processing Superintendent,
EDP Centre,
Carriage Workshop,
Ajmer.

(By Advocate : - - -)

... Respondents

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for quashing of the order dated 7.9.2007 (Ann.A/1).

2. The applicant had earlier filed OA 428/2007, which was disposed of by this Tribunal vide order dated 13.12.2007 with a direction to respondent No.2

in that OA [respondent No.1 in the present OA] to decide the representation of the applicant by passing a reasoned and speaking order. The averment made in the earlier OA was that the applicant being senior to Shri Rajiv Nayan Agarwal, as such, he had a preferential right to be appointed against the ex-cadre post of Data Processing Superintendent even on stop-gap basis. The respondents have decided the said representation of the applicant vide order dated 11.1.2008 (Ann.A/3). In para-5 of the said order dated 11.1.2008, the respondents have specifically stated that as Shri Rajiv Nayan Agarwal is a Section Engineer in scale Rs.6500-10500, has been selected for the post of Data Processing Superintendent, which is as per rules, whereas the applicant is Junior Engineer in the scale Rs.5500-9000 and is junior to said Shri Agarwal. Thus, according to the respondents, the applicant has got no claim against said Shri Agarwal, who has been appointed against the ex-cadre post of Data Processing Superintendent, till the said post is not filled-in in accordance with rules.

3. We see no infirmity in the action of the respondents. Accordingly, the present OA is dismissed, at admission stage itself, with no order as to costs.


R.J.P. SHUKLA)
MEMBER (A)
(M.L. CHAUHAN)
MEMBER (J)

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