

9

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE BENCH

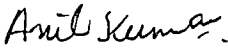
26th November, 2010


OA 296/2010

Present: Shri C.B. Sharma, counsel for applicant
Shri Hawa Singh, counsel for respondents

Heard counsel for parties.

For the reasons dictated separately, the OA is disposed of.


(Anil Kumar)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

mk

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA No.296/2010

This the 26th day of November, 2010

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

Biswajit Panda S/o Shri Kanhaiya Lal Panda aged about 38 years resident of Quarter No. 102 A, Old Railway Colony, Kota and presently working as Bhisti /PP in Traffic Department under Station Manager, Kota, West Central Railway, Kota Division. Kota.

...Applicant

(By Advocate: Shri C.B. Sharma)

- VERSUS -

1. Union of India, through General Manager, West Central Zone West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. Senior Divisional Operating Manager, West Central Railway Kota Division Kota.

.....Respondents

(By Advocate: Shri Hawa Singh)

ORDER (ORAL)

Applicant has filed this OA, thereby praying for the following reliefs:-

1. That the entire record relating to the case be called for and after perusing the same, respondents be directed to place the applicant in the panel dated 21.6.2010(Annexure A-1) at appropriate place against OC Category by shifting official of SC/ST category from OC category to their respective category and further to promote the applicant to the post of Trains Clerk scale Rs. 5200-20,200 with grade pay Rs. 1900/- with all consequential benefits.

2. That by an appropriate order and direction, respondents be further directed to count service rendered by the applicant as Bhisti since 18.2.1997 for all purposes including promotion etc. by quashing any decision taken by the respondents.
3. Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of the case.
4. That the costs of this application may be awarded.

2. The grievance of the applicant in this case is regarding not placing his name in the panel, although he has qualified written examination held for the post of Trains Clerk. It may be stated that respondents have carried out selection for the post of Train Clerk against 10 posts in which one post is reserved for SC and another one for ST category. According to the applicant although his junior's name has been placed in the panel whereas the applicant's name has not been included in the panel so prepared by the respondents. For that purpose the applicant has also placed reliance on Annexure A-3 dated 26.9.2008 which is eligibility list prepared by the respondents for the post of Train Clerk.

3. Respondents in the reply have stated that the said eligibility list was not prepared as per the seniority and as such it can not be said that persons who have qualified the selection test and whose name appeared below the applicant and placed in the panel are junior to the applicant.

4. We have gone through the eligibility test Annexure A-3, dated 26.9.2008, perusal of which reveals that the said seniority list was not prepared on the basis of seniority list. To the similar effect is office

6/2

order dated 27.4.2010(Annexure A-6) whereby result of the qualified candidates were declared, which was not based as per the seniority list. Be that as it may from the material placed on record it is evident that the applicant has submitted his representation dated 5.8.2010 to the DRM, West Central Railway, Kota, perusal of which reveals that applicant has also taken additional plea in the said representation inter-alia to the effect that marks awarded to the applicant and other person as per the assessment sheet have not been correctly awarded. Learned counsel for applicant submits that he will be satisfied at this stage if a direction is given to the DRM, W.C.Railway, Kota to decide the representation dated 5.8.2010 by passing reasoned and speaking order.

5. In view of what has been stated above and without going into the merits of the case, we are of the view that present OA can be disposed of with a direction to the DRM, West Central Railway, Kota to decide the representation dated 5.8.2010 of the applicant by passing reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

6. Needless to add that in case the applicant is still aggrieved by the order to be passed by the respondents, DRM, W.C.Railway,Kota, it will be permissible for him to agitate the said order by filing substantive OA.



7. In view of above, present OA shall stand dispose of in the aforesaid terms.

Anil Kumar
(Anil Kumar)
Member (Administrative)

M.L. Chauhan
(M.L. Chauhan)
Member (Judicial)

mk