

**Central Administrative Tribunal
Principal Bench**

OA No.3114/2014

New Delhi, this the 22nd day of January, 2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Shri Bishram Dass, Aged 50 years,
S/o Shri Ram Sumeer,
Working as GangMan,
Gang No.18, Rampur Maniharan,
U.P.

...Applicant

(By Advocate : Shri R.K. Shukla)

Versus

1. Union of India,
Through General Manager, Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
State Entry Road, Northern Railway,
Paharganj,
New Delhi.
3. D.S.E.-II, Northern Railway,
State Entry Road,
Paharganj,
New Delhi.
4. The Assistant Divisional Engineer,
Shamli, Northern Railway,
Distt. Shamli,
U.P.
5. Junior Engineer,
Puri Rampur, Maniharan,
P.O. Khas Rampur, Northern Railway,
Distt. Saharanpur,
U.P.

...Respondents

(By Advocate : Shri S.C. Rajpal with Shri Varun Rajpal)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard the learned counsel for applicant.

2. The applicant, who is presently working as Gang Man, under the respondent - Northern Railways, filed the OA aggrieved by the action of the respondents in not posting him as Trolley Man.

3. It is submitted that in pursuance of the notification issued by the respondents, applicant has made a request for posting as Trolley Man, but the respondents though posted juniors to the applicant as Trolley Man denied the same to the applicant without assigning any reason. The respondents in their counter have submitted that posting as Trolley Man is not a right and the same is not covered by any seniority and hence contention of the applicant that his juniors were posted as Trolley Man is not tenable. It is further submitted that the applications for posting as Trolley Man should be recommended by Officer Incharge, but in applicant's case, no such recommendation was made.

4. It is seen that the post of Gang Man and Trolley Man are in the same scale of pay and that posting as Trolley Man does not give any additional pay to the employees.

5. In the circumstances, we do not find any merit in the OA and the same is accordingly, dismissed. However, this order shall not preclude the applicant from making any application, whenever fresh notification is issued for posting as Trolley Man, if he desires, and in such an event, respondents shall consider the same, in accordance with law. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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