

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00007/2017

DATED THIS THE 31ST DAY OF JULY, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Sri Sayed Basha Husainsab

S/o Avsangnale,

Age: 61 years

Retired Tech II at SWR at

Gadag – 582 101.

Residing at:

Vivekananda Road,

3rd Cross,

Near Prasad Nursing Home,

Gadag – 582 101.

.....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India

Represented by General Manager
South Western Railway,
Hubli

2. Divisional Railway Manager,

South Western Railway,
Hubli - 580 024

3. Senior Personnel Officer,

South Western Railway,
O/o Divisional Railway Manager
Hubli - 580 024

....Respondents

(By Shri J. Bhaskar Reddy, Counsel for Railways)

O R D E R (ORAL)(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. Apparently the applicant had submitted representation for change of cadre the copy of which is not available in the respondents department but we heard the learned counsels in detail. It appears that the applicant had earlier chosen to avail of a benefit of becoming Fitter Gr. III and subsequently got promoted also. Now despite the fact that Fitter trade carries less opportunity for promotion, since he has elected for it, he cannot now claim on a retrospective

basis that his claim for being a Mason may be considered. In the meanwhile the applicant had superannuated also and no worthwhile point would be achieved by going into the academic exercise as to whether the applicant could have chosen to be a Mason at that point of time. But even if he had chosen to be a Mason at that point of time and the merger took place, he had not done so and 18 years have elapsed.

2. The OA is dismissed. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00007/2017

Annexure A1 Copy of the South Western Railway letter dated 01.09.2006

Annexure A2 Copy of the letter dated 15.12.2006

Annexure A3 Copy of the letter dated 08.05.2007

Annexure A4 Copy of the representation dated 15.02.2010

Annexure A5 Copy of the letter dated 18.02.2010

Annexure A6 Copy of the letter dated 10.03.2010

Annexure A7 Copy of the letter 07.03.2013

Annexure A8 Copy of the letter dated 04.06.2014

Annexure A9 Copy of the letter dated 14.08.2014

Annexure A10 Copy of the legal notice dated 30.11.2015

Annexure A11 Copy of the letter dated 16.03.2016

Annexures with reply statement

Nil

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