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OA/1395/2013

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A/350/1395/2013

Date of Order: 6.8.19.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Sri Biswajit Bose, son of Late Madan Mahan Bose aged about 50 years, by faith Hindu, by working as Tech-Gr.I, Elect. Group C, Eastern Railway, Department of CEE/Construction/Sealdah, Draw & Designing Sec, residing at 30B, Pramanik Ghoat Road, P.O. Baranagar, P.S Cossipore, Kolkata - 700014.

--Applicant.

Versus

1. Union of India, through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Fairlie Place, Kolkata - 700001.
2. The Senior Divisional Electrical Engineer (TRS), Eastern Railway, Calcutta, Fairlie Place, 17, N.S Road, Kolkata 700001.
3. The Sr. Divisional Personnel Officer (P), Eastern Railway Sealdah, Kolkata 700014.
4. The Divisional Railway Manager, Eastern Railway Sealdah, Kolkata 700014.
5. The Deputy Chief Electrical Engineer, (Cons), Eastern Railway Sealdah, Kolkata 700014.
6. The Chief Electrical Engineer, Eastern Railway, Fairlie Place, Kolkata - 700001.
7. The Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata - 700001.

--Respondents

For The Applicant(s): Mr. J. R. Das, counsel

For The Respondent(s): Mr. A. K. Guha, counsel

ORDER

Per: Ms. Bidisha Banerjee, Member (J):

The applicant in this O.A has sought for the following reliefs:

- "i) an order directing the respondents to cancel/rescind withdraws or set aside the purported order dated 3.6.2013 & 13.6.2013 to allow him to continue under Dy. DEE/CON/SDAH since his service was essentially required.
- ii) An order directing the respondents to fix his pay/pay band on upliftment basis as on 2005 and again on 2010 since assigned and performed higher responsibility since being finally released and ascertain his due seniority accordingly as JE(Drawing) or alike.
- iii) An order directing the respondents to allow him Railway Pass in continuity to passes allowed during 2010 onwards.
- iv) An order directing the respondents to transmit all papers, documents, records of the applicant before the Hon'ble Tribunal so that conscionable justice may be done after perusal of records.
- v) Any other order or further order/orders and/or direction/directions as to this Hon'ble Tribunal seem fit and proper."

2. Since the applicant has sought for assignment of seniority as Junior Engineer (Drawing), JE (Drg) in short, this Tribunal on 18.01.2016, asked the authorities to bring on record the letter by which the applicant was asked to discharge duties on such higher post of JE in 2005.

3. The respondents, however, in their reply ^{have} had categorically denied the claim of the applicant that he was ever made to discharge duties as a JE. They have stated that the applicant has served as Technician Gr. I under the Senior DEE/TRS/Sealdah and his seniority is maintained in the Technician Gr. I (Electrical Cadre) therefore his claim for promotion to the post of JE (Drawing) and Senior Section Engineer(Drawing) is not admissible, since the said posts are selection post and the applicant had never appeared at such selections.

They have amply clarified that the applicant preferred a representation on 27.02.2009 to the Dy.CEE/CON Sealdah expressing his desire to join drawing section under Dy. CEE /CON Sealdah for improving his knowledge and skill about drawing of Electrical /TRD related work, but he was never assigned any work as JE/SSE/Drawing.

That, he was transferred and posted and under Deputy CEE/CON/Sealdah E.Rly in the same pay, grade and capacity against work charge post of estimated vacancy keeping his lien in parent department under Senior DEE/TRS/E.Railway, Sealdah. Hence his posting as Technician was purely temporary one conferring him no claim for promotion and that he never officiated against any higher post of Junior Engineer etc.

4. Ld. counsel for the applicant vociferously denied such averments. Since the claim as in the present OA, has been made, we had asked the applicant to place on record any document in support of his claim that he was ever posted as JE or was made to serve as JE. The applicant miserably failed to place any such orders.

5. However, we note from the office order dated 27.07.2015 that, the applicant was found suitable for the post of Sr. Technician Electrical in the scale of Rs. 9300-34,800 in PB-2 GP 4200/- and was promoted as such from the post of Technician 1 in the GP of 2800/- upon restructuring w.e.f 01.11.2013.

6. In view of the fact that the applicant has failed to establish his claim of having served against higher post of JE, we hold that he has failed to make out a case, meriting interference. Therefore, we dismiss the O.A. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)