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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.938/2002

New Delhi, this the 19th day of September, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri M.P. Singh, Member (A)

Roop Ram
S-130, Pandav Nagar
Delhi-110092

.. Applicant

(Shri S.K. Sinha, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Railways
Rail Bhavan, New Delhi
 2. General Manager (P)
Northern Railway
Baroda House, New Delhi
 3. Chief Commercial Manager (PM)
Passenger Reservation System
Central Reservation Office
IRCA Building, New Delhi
- ... Respondents

(Shri Rajinder Khatter, Advocate)

ORDER(oral)

Shri M.P. Singh, Member (A)

By the present OA, applicant seeks a direction to the respondents to promote him as Enquiry-cum-Reservation Clerk (E&RC, for short) Gr. I w.e.f. 1.3.1993, when his juniors belonging to SC category were so promoted, with all consequential benefits.

2. According to the applicant, belonging to SC category, was appointed as Reservation & Enquiry Clerk Gr.II (Rs.1200-2040). He was shown at Sl.No.115 in seniority list dated 1.6.93 but the word 'SC' was missing against his name. By order dated 25.4.1995 some juniors were promoted as E&RC Gr.I w.e.f. 1.3.1993. In between 1995 and 1997 applicant made several representations stating

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that he was wrongly denied placement in the next higher grade merely because he was not shown as SC in the seniority list but without any success. He was ultimately promoted as E&RC Gr.I w.e.f. 1.4.98. That is how he is before us seeking the aforesaid relief.

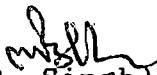
3. Respondents have contested the application stating that as per record applicant belongs to SC category but in the seniority list dated 1.6.93, the word SC was not mentioned against his name. The applicant failed to point out the error within the stipulated period as a result of which his name was omitted from promotion orders w.e.f. 1.3.93. He was considered as general candidate and none of the candidates junior to him was promoted w.e.f. 1.3.93. However, due to shortfall SC category candidates junior to him have been promoted w.e.f. 1.3.93. Had the applicant pointed out the error the same could have been rectified immediately.

4. We have heard the learned counsel for the parties and perused the records. Since the respondents themselves admit the fact that the applicant belongs to SC category, non mentioning of the word 'SC' against the name of applicant in the seniority list dated 1.6.93 should not be held to the disadvantage of applicant's promotion to which he was due w.e.f. 1.3.93. During the course of the arguments, the learned counsel for the applicant has drawn our attention to the judgement of the Tribunal dated 22.1.2002 in OA

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2661/2000 touching upon an identical issue involving the case of one ST category candidate. That OA was allowed with the directions to the respondents to promote the applicant from the date his juniors were so promoted. Applicant's counsel has contended that the case of the applicant is covered in all fours by the aforesaid judgement dated 22.1.2002 and therefore similar directions can be issued in the present case also.

5. We find force in the contention of applicant's counsel and we agree with the same. In the result, the present OA is allowed with the directions to the respondents to consider applicant's promotion to the post of E&RC Gr.I w.e.f. 1.3.1993 as a SC candidate and in case he is promoted, all consequential benefits should be given to him. OA is thus disposed of. No costs.


(M.P. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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