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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2229/2002

This the 21st day of May, 2003

HON'BLE SHRI JUSTICE V.S.AGGRARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Vinod Ramchandani,
Head Draftsman/JE Gr.I,
Drawing Office Engineering,
Northern Railway, Baroda House,
New Delhi.
R/O 9/7, Railway Colony,
Sarojini Nagar,
New Delhi-110023.

... Applicant

(By Shri G.D.Bhandari, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Chief Personnel Officer,
Northern Railway, Baroda House,
New Delhi.

3. Chief Engineer,
Northern Railway, Baroda House,
New Delhi.

... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant is aggrieved that while he was unwell between 28.3.1994 and 22.11.1996 he was not considered for promotion from the post of Senior Draftsman grade Rs.1400-2300 (RPS) to the post of Head Draftsman grade Rs.1600-2660 (RPS) and 27 of his juniors were promoted. On his re-joining on recovery from illness, when he made representation against his non-promotion, he was promoted from the date his junior Shri G.K.Taneja was promoted. He is further aggrieved that such juniors who had been

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promoted during the period of applicant's illness were further promoted on 14.7.1997 to the post of Chief Draftsman grade Rs.6500-10500 while applicant was again ignored. Applicant has sought the following reliefs :

- "i) consider the applicant's case for promotion as Chief Draftsman Gr.Rs.6500-10500, by holding a review DPC from the date his junior Sh. G.K.Taneja was promoted vide orders dated 14.07.97, Annex.-A-17, with all consequential benefits of pay fixation, payment of arrears, seniority and other ancillary benefits;
- ii) direct/order the Respondents to fully comply with the orders dated 07.05.99, Annexure-A-21, whereby by way of benefit of NBR applicant's pay has been re-fixed and orders for necessary payment were issued. No resultant payment has been so far made. Interest @ 24% p.a. may also be granted on all the resultant arrears from the date the same become due till the actual date of payment."

2. The learned counsel of applicant referring to Annexure A-9 dated 4.2.1993 which is a restructuring of certain Group "C" and "D" cadres w.e.f. 1.3.1993, contended that promotions in question to the post of Head Draftsman were made to implement upgrading and promotion of the staff arising out of restructuring of cadres w.e.f. 1.3.1993. The learned counsel stated that if applicant had been considered for promotion to the post of Head Draftsman on restructuring, he would have been placed between Shri Sunil Kumar and Shri Mangal Sain who were promoted to the post of Head Draftsman on 5.7.1994 w.e.f. 1.3.1993 (Annexure A-11). According to him, vide notice dated 22.6.1995 (Annexure A-12) many more juniors including Shri G.K.Taneja were promoted as Head Draftsman. Applicant was ultimately promoted as Head

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Draftsman grade Rs.1600-2660 (RPS) vide Annexure A-18 dated 12.2.1998 w.e.f. 31.12.1997. The learned counsel referred to Annexure A-16 dated 11.7.1997 whereby several juniors including Shri G.K.Taneja were further promoted as Chief Draftsman grade Rs.2000-3200 (RPS). The learned counsel maintained that just because applicant was absent during sick leave, he could not have been deprived of his right for consideration for promotion.

3. On the other hand, the learned counsel of respondents explained that while applicant remained sick during 28.3.1994 to 22.11.1996, his juniors belonging to the reserved communities were promoted to the post of Head Draftsman w.e.f. 1.3.1993 in his absence. Applicant has been extended the benefit of promotion to the post of Head Draftsman at par with his immediate junior Shri G.K.Taneja who was promoted as Head Draftsman w.e.f. 22.6.1995 (Annexure A-21 dated 27.5.1999). As such his claim for promotion to the post of Head Draftsman w.e.f. 1.3.1993 against restructuring is not tenable. The learned counsel stated that applicant has accepted promotion under Annexure A-21 and the same is not under challenge.

4. The learned counsel of applicant admitted that applicant has been promoted as Head Draftsman with effect from the date his junior Shri G.K.Taneja was promoted. However, he submitted that necessary payments in terms of Annexure A-21 have to be released in favour of applicant by respondents, and that he should also be considered for promotion as Chief Draftsman like his junior.

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5. Now that applicant has also been promoted as Head Draftsman w.e.f. 22.6.1995 when his junior Shri G.K.Taneja was promoted, applicant cannot have any grievance on this count. However, as we find that the orders Annexure A-21 promoting applicant as Head Draftsman were passed on 27.5.1999, respondents should have paid arrears of allowances in terms of these orders to applicant. According to applicant, these arrears have not been paid so far. The learned counsel of respondents stated that this needs clarification and if these arrears have not been paid, they shall be paid without further loss of time. As regards applicant's claim for consideration for further promotion as Chief Draftsman vis-a-vis his junior Shri G.K.Taneja, the learned counsel of applicant stated that his candidature should be considered in the review meeting now that he has been promoted as Head Draftsman w.e.f. 22.6.1995 when his junior Shri G.K.Taneja was promoted. Respondents have not come up with any objection to applicant's claim for consideration for further promotion.

6. Taking stock of the reasons stated and discussion made above, the OA is disposed of with the following observations/directions :

(a) Applicant has already been promoted as Head Draftsman from the date his junior Shri G.K.Taneja was promoted vide Annexure A-21 and direction has been issued that necessary payments have to be arranged. Therefore, no further directions are required to be issued in this regard;

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(b) (i) The applicant should be considered for further promotion as Chief Draftsman in a review meeting in accordance with the recruitment rules of the post;

(ii) In case the applicant is found fit to be promoted in the review meeting, he would only be entitled to arrears for a period of one year before filing of the present application.

There shall be no order as to costs.

V.K.Majotra

(V. K. Majotra)
Member (A)

V.S. Aggarwal

(V. S. Aggarwal)
Chairman

/as/