

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1386/2001

This the 3rd day of May, 2002.

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Banarsi Dass S/o. Shri RAM Kiran
Presently Working OS-II on deputation
under SSTE/Construction/Northern Railway,
Ludhiana.

...Applicant

By Advocate: Shri Yogesh Sharma.

Versus

1. Union of India through the
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Ambala Division,
Ambala.
3. The Divisional Railway Manager,
Northern Railway, Delhi Division,
Near New Delhi Railway Station,
New Delhi.

...Respondents

By Advocate Shri Rajeev Bansal.

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

Applicant had filed this OA seeking following reliefs:

(i) That the OA of the applicant may be allowed with the costs of litigation.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondent No.3 to fix the seniority of the applicant at the appropriate place and promoted the applicant to the post OS-II, OS-I, respectively from the date when the junior persons promoted with all the consequential benefits including the arrears of difference of

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pay.


2. Heard both the parties.

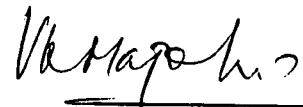
3. The impugned order which is the main cause for filing of this OA has arisen because of the bifurcation of Delhi Division into two divisions, i.e., 'Delhi Division' and 'Ambala Division' but because of certain administrative reasons applicant was allotted at Ambala Division was not absorbed there and was sent back to Delhi Division. Thereafter for the period till 1998 from the date of bifurcation of Divisions applicant's lien was fixed in Delhi Division by order dated 25.9.98 and applicant was assigned lien in Delhi Division.

4. The next grievance of the applicant is that certain juniors to him have been promoted as OS-II and he has given the name of Sh. Parduman Singh, who was immediate junior to him, has been promoted as OS-II. Applicant further alleged that he has also appeared in the selection test of OS-II in 1990 in Delhi Division and he has a reason to believe that he has successfully qualified that examination but his result has not been declared because his lien by then had not been decided. So in these circumstances, we find that this OA can be allowed and directions can be given to the respondents if his result has not been declared, then respondents shall declare the result and if he is found to qualify the test then applicant will be entitled to be promoted with retrospective effect when juniors to the applicant have been promoted as OS-II. In the case the respondents are required to conduct fresh test then they should conduct the test within 3 months

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from the date of receipt of a copy of this order. If applicant qualifies the same, respondents shall promote him as OS-II from the date his junior is promoted. OA stands allowed. No costs.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

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