

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 946/2001

This the 13th day of September, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

Dr. Krishna Kumar S/O O.P.Sharma,
R/O 244/2-D, P.K.Road Rly. Flats,
New Delhi-110055.

... Applicant

(By Shri Sanjay Kumar Pathak, Advocate)

-versus-

1. Union of India through
Secretary (Establishment),
Ministry of Railways,
Rail Bhawan, New Delhi.
2. General Manager (Personnel),
Northern Railway, Hqrs. Office,
Baroda House, New Delhi.
3. Dr. (Mrs.) Rajni Khare,
SG/IRMS/Western Railway.
4. Dr. V.D.Laghate,
SG/IRMS/Western Railway.
5. Dr. (Mrs.) Amita Rawal,
SG/IRMS/Railway Board.
6. Dr. (Mrs.) M.Y.Sarin,
SG/IRMS/Western Railway.
7. Dr. V.K.Johri,
SG/IRMS/Northern Railway.
8. Dr. M.Anjanappa,
SG/IRMS/South Central Railway.

All to be served through
Secretary (Establishment),
Ministry of Railways,
Railway Board, Rail Bhawan,
New Delhi.

... Respondents

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

O R D E R (ORAL)

Hon'ble Shri Justice Ashok Agarwal, Chairman :

Applicant had joined as ad hoc Assistant Medical
Officer (AMO) in the Indian Railway Medical Service
w.e.f. 12.10.1972. His services were regularised after
having been found suitable by the Union Public Service


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Commission (UPSC) w.e.f. 1.3.1975. By the present OA applicant seeks to impugn a promotion order issued on 12.4.2001 whereby six doctors have been promoted being respondent Nos. 3 to 8 whereas the claim of the applicant has been ignored, this is on the ground that applicant has been assigned seniority w.e.f. 1.3.1975 whereas he ought to have been assigned seniority w.e.f. 12.10.1972 when he was appointed as AMO on ad hoc basis and was subsequently regularised through the UPSC w.e.f. 1.3.1975. As far as respondents 3 to 8 are concerned, their initial date of appointment is subsequent to 12.10.1972. They have, however, been treated as seniors which is contrary to the decision of the Supreme Court in the case of Union of India v. Lalita S. Rao, Civil Appeal Nos.2478-2479 of 2000 decided on 10.4.2001, wherein it has inter alia been ruled as under :

"1. All doctors appointed either as Divisional Medical Officer or as Assistant Divisional Medical Officer on ad hoc basis upto October 1, 1984, who were regularized by the Railway Administration in consultation with the Union Public Service Commission on the evaluation of their work and conduct and on the basis of their CRs in respect of a period subsequent to October 1, 1984, pursuant to the direction of this Court in the case of Dr. A.K.Jain (supra) will not be entitled to count the services rendered prior to the regularization for the purpose of determination of their seniority in the cadre...."

2. Doctors who had been appointed by the Railway Administration on ad hoc basis or on temporary basis and had got themselves regularized prior to 1st October, 1984, by appearing in the selection test held by the Union Public Service Commission then in their case the period prior to their regularization could be counted for determining their seniority...."

 The Union of India had instituted a review petition being Review Petition (Civil) No.807-810/2001 in C.A.

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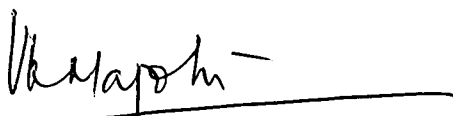
No.2478-2479/2000 before the Supreme Court in respect of the aforesaid order and the same has been dismissed by an order passed on 29.8.2001.

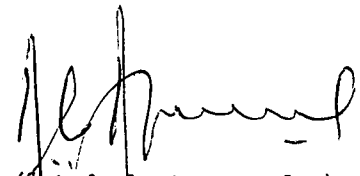
2. Based on the aforesaid decision, it is inter alia contended on behalf of applicant that he is entitled for seniority over respondents 3 to 8 and is, therefore, entitled for promotion in preference to them.

3. Shri V.S.R.Krishna, learned counsel appearing on behalf of respondents, makes a statement that respondents will comply with the directions contained in the aforesaid order of the Supreme Court of 10.4.2001, more particularly, the directions contained in paragraph 2 thereof, and that the claim of the applicant for promotion by holding review DPC at each stage from the post of ADMO to the Senior Administrative Grade will be considered on the basis of seniority based on his initial date of appointment.

4. In view of the said statement, we find that the grievance raised in the present OA stands redressed.

5. Present OA, in the circumstances, is disposed of with a direction to the respondents to take aforesaid action expeditiously to implement the aforesaid order of the Supreme Court. No costs.


(V.K.Majotra)
Member(A)


(Ashok Agarwal)
Chairman

/as/