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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 483/98 IN
MA No. 510/98

(13)

New Delhi, this the 23rd day of April, 1999

HON'BLE SHRI S.R.ADIGE, VICE CHAIRMAN (A)
HON'BLE SHRI T.N. BHAT, MEMBER (J)

In the matter of:

1. Shri Prakash Chand S/o Shri Dewan Chand
Aged 54 years.
Working as J.I.T. (Line) at Railway Station
Delhi in the Office of Divisional Railway
Manager, Northern Railway, State Entry Road,
New Delhi-110001.

And Resident of:
1/3021, Ram Nagar, Mandauli Road,
Shahdara, Delhi.
2. Shri Ashok Kumar Sharma
S/o Late Shri Sain Dass Sharma.
Aged 50 years.
Working as J.I.T. (Line) at Railway Station
New Delhi in the Office of Divisional Railway
Manager, Northern Railway, State Entry Road,
New Delhi-110001.

And Resident of:
E-259, Greater Kailash, Part-II,
New Delhi-48.
3. Shri Yash Pal S/o Shri Lajpat Rai.
Aged 57 years.
Working as Chief Inspector Ticket at Railway
Station, New Delhi in the Office of Divisional
Railway Manager, Northern Railway, State Entry
Road, New Delhi-110001.

And Resident of:
201/18, Gali Arya Samaj, Prahlad Nagar,
Meerut City. Applicants

(By Advocate: Sh. P.M.Ahluwat)

Vs.

Union of India through

1. The General Manager.
Northern Railway.
Baroda House, New Delhi-110001.
 2. The Divisional Railway Manager.
Northern Railway,
State Entry Road, New Delhi. Respondents
(By Advocate: Sh. R.L.Dhawan)
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J U D G M E N T (ORAL)

(A)

By Hon'ble Shri S.R.Adige, Vice Chairman (A)

The applicants challenge the impugned order dated 28.7.97 vide which their claim for promotion as Head TTEs w.e.f. 1.1.84 with all consequential benefits has been rejected.

2 We have heard the applicants' counsel Sh. Ahlawat and respondents' counsel Sh.Dhawan.

3 While applicants' counsel asserts that the vacancies of HTTE mentioned in impugned order dated 28.7.97 relate only to the vacancies which arose as a result of restructuring w.e.f. 1.1.84, and do not include the vacancies that existed on 31.12.83, this assertion is denied by Sh. Dhawan who stated that the vacancies of HTTE mentioned in impugned letter dated 28.7.97 include the vacancies that existed on 31.12.83 as well as the vacancies which were created as a result of restructuring w.e.f. 1.1.84.

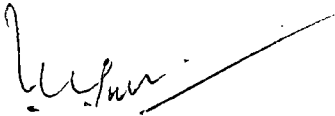
4. In this connection, Sh.Dhawan further states that this matter has been ^{agitated} ~~discussed~~ more than once and there is no scope for ambiguity in the impugned order dated 28.7.97.

5. On the other hand Sh. Ahlawat asserts that there was as many as 50 vacancies available on 31.12.84 which have not been included in the order dated 28.7.97.

6. As the calculation of number of vacancies is a purely clerical exercise, and does not involve any principle of law, we dispose of this OA with the direction that if the applicants make a detailed and self-contained representation to respondents, together with such documents available with them to support their claims, respondents should examine the same and dispose of that representation in accordance with rules and instructions within 3 months from the date of receipt of the same under intimation to applicants.

7. Consequential benefits, if any, flowing from the decision of the respondents taken on that representation will be admissible to the applicants.

8. This OA is disposed of accordingly at the admission stage with the agreement of both the counsel.
No costs.


(T. N. BHAT)
Member (J)


(S. R. ADIGE)
Vice Chairman (A)

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