

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

C.P. No.188/99  
in  
O.A. No. 1982/95

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New Delhi this the 28th day of September, 1999.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice Chairman  
Hon'ble Mrs. Shanta Shastri, Member (A)

Sarjoo Prasad,  
Kanoongo Clerk,  
Land Cell  
Divisional Rail Manager's Office,  
Northern Railway, New Delhi.

... Applicant

(By Advocate: Shri M.L. Sharma)

-Versus-

1. Shri A.P. Nagrath,  
Chief Personnel Officer,  
Northern Railway,  
Headquarters Office,  
Baroda House,  
New Delhi.

2. Shri Rakesh Chopra,  
Divisional Rail Manager,  
Northern Railway,  
New Delhi.

... Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (Oral)

By Reddy, J.

Heard the learned counsel for the petitioner and  
the respondents.

2. This CP arises out of order dated 30.7.1998  
passed by the Tribunal while disposing of the  
OA.1982/95. In the said order a direction was given to  
the respondent to examine the various reliefs claimed by  
the applicant in paragraph-8 of the OA and pass a  
detailed, speaking and reasoned order within four months  
from the date of receipt of a copy of the said order.  
It is the grievance of the petitioner that <sup>as per</sup> the order  
passed in pursuance of the directions given in the above  
OA, the respondents have not considered all the claims

*Cps*

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made by petitioner. He contends that the Tribunal, while disposing of the OA, directed the respondents to consider the question of payment of increments and also the question of promotion of the petitioner. But these two questions have not been kept in mind while disposing of his case.


3. A counter is filed to the C.P. In the counter affidavit it is clearly stated that in pursuance of the directions given in the OA, all the questions raised in the OA have been considered and a reasoned order was passed. It was stated in the order that after the petitioner had been absorbed in the Northern Railway, his pay had been fixed in accordance with rules. As to the question of promotion, it was stated that the difference of pay vis-a-vis his junior was not permissible as the said junior was promoted in the scale of Rs.1400-2300 on local arrangement by the Division and as such the benefit of local officiating cannot be given. It is stated that the case of promotion in grade Rs.1400-2300 was under process as he was not regularised in this grade and after regularisation in that grade further action would be taken as per the extant rules. It is further averred that the delay in the implementation of the judgment was neither intentional nor deliberate, but on account of administrative reasons.


4. The order passed by the respondents is filed as Annexure R-2 to the counter affidavit. The order speaks of the reasons for the fixation of pay and also the claim regarding promotion of the petitioner. They

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have been considered and a reasoned order was passed. It is contended by the learned counsel for the petitioner that the fixation of pay was not properly made and that the petitioner was entitled to be promoted in the scale of Rs.1600-2600. It should be remembered that our jurisdiction in the C.P. is very limited. What we are called upon to examine is whether the directions given by the Tribunal have been complied with or not. Since no reply was filed in the OA, the OA was disposed of without deciding the case on merits. The only direction that was given to the respondents was to consider the case of the applicant and pass a reasoned order. The order now passed cannot be said to be an unreasoned order. It has been passed after considering the claims of the petitioner. If the petitioner is aggrieved by this order, and if he is so advised he has to file a fresh OA questioning the order now passed. The learned counsel for the petitioner submits that he has to face another round of litigation and to get the relief ultimately, he has to wait until termination of the second round of litigation. But we are helpless in the matter because as stated supra, the only direction given in the OA was to pass a reasoned order and it cannot be said that the respondents have disobeyed the said order. The C.P. is, therefore, dismissed. Notice discharged. No order as to costs.

  
(Mrs. Shanta Shastri)  
Member(A)

  
(V. Rajagopla Reddy)  
Vice Chairman(J)