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Central Administrative Tribunal
Principal Bench

O.A.No.899/95

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Hon'ble Shri R.K.Ahooja, Member(A)
Hon'ble Shri Syed Khalid Idris Naqvi, Member(J)

New Delhi, this the 24th day of August, 1999

Sh. S.K.Mehta
s/o Shri Sai Dass Mehta
Station Master, Railway Station
Daya Basti, Northern Railway
Delhi. ... Applicant

(By Shri S.K.Sawhney, Advocate)

Vs.

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

(By Shri B.K.Aggarwal, through Shri Rajeev Bansal,
Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant was working as Station Master at Kandaghat Station in the pay scale of Rs.1400-2300 when the Delhi Division of the Northern Railways was bifurcated into Delhi and Ambala Divisions. The railway employees working in the erstwhile composite Delhi Division were to be given an option to opt for either of the new divisions and the applicant's claim was that he had given his option for the Delhi Division. However, this option was not taken into account. When the respondents transferred the applicant from Kandaghat by an order dated 22.11.1988 to Panjkosi Railway Station which is on the Pakistan

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Boarder in Punjab, the applicant made a representation and the same having not been acceded to he came before the Tribunal in OA No.1009/89. The said OA was disposed of with a direction to the respondents to consider the applicant's option for being allocated to the Delhi Division. In the meantime they were also directed to retain him in his existing place of posting i.e Kandaghat. Thereafter, the applicant came to be allocated to the Delhi Division. The grievance of the applicant is that the respondents did not consider his promotions under the Delhi Division even though his juniors had already been granted such promotion. His representations to that end also were not favourably considered. Hence the second round of litigation.

(11)

2. The respondents in their reply have stated that the applicant was transferred to Delhi Division where he joined in December, 1993. They deny that any one junior to the applicant was promoted. The applicant had obtained his promotion as Station Master at Kandaghat in terms of the restructuring scheme enforced in the entire Railways. They have however added that after joining Delhi Division, the seniority of the applicant in the Delhi Division will be decided and his promotion will be made accordingly.

3. The learned counsel for the applicant has pointed out to us that the applicant has since retired from the service on reaching the age of superannuation. He has also drawn our attention to the seniority list, annexed to the rejoinder, and has endeavoured to show us that certain persons who had earlier declined promotion to the grade of 1400-2300

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and had thereby become junior to the applicant got their further promotions within the Delhi Division. According to the learned counsel for the applicant, the applicant was clearly eligible to obtain further promotions on the basis of the promotions granted to such employees. Even otherwise, the learned counsel for the applicant submitted, the persons who are originally junior to the applicant in the list of Assistant Station Master have already been placed in higher scale ignoring the claim of the applicant.

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4. Having heard the counsel and having perused the record, we are of the opinion that no decision is possible regarding the claim of the applicant unless the respondents first complete the action in regard to the fixation of seniority of the applicant in the Delhi Division. As already pointed out they have stated in the reply that action to that end was being taken and the case of the applicant for promotion will be decided thereafter. The learned proxy counsel for the respondents however stated before us that he had no instructions on that point from the respondents and could not say whether the respondents had taken a final decision or not regarding the applicants fixation of seniority in the Delhi Division.

5. In the above circumstances, we dispose of the OA with a direction to the respondents that they will take a final decision on the seniority of the applicant in the Delhi Division, unless such decision has already been taken, within a period of four months from the date of receipt of a copy of this order.

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They will also, within one month thereafter, decide the claim of the applicant for promotion on the basis of the promotion of his juniors subject to his eligibility in terms of the relevant rules. If the applicant is found eligible for promotion, he will be granted all consequential benefits from the date of his next junior was promoted and the monetary benefits accruing thereby would be paid to him within four months from the date of the final orders. In case the respondents have already taken a decision, they will communicate the same to the applicant within a period of one month from the date of receipt of a copy of this order. In case he has been found eligible then action to grant him consequential benefits, if not already taken, will be completed within four months from the date of receipt of a copy of this order.

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(SYED KHALID IDRIS NAQVI)
MEMBER(J)

R.K.A.
(R.K. AHOOJA)
MEMBER(A)

/RAO/