

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 637/96

New Delhi, this the 22nd day of August, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sh. H. Aherwar
Sr. Statistical Inspector,
Room No. 555-A, Rail Bhawan,
Railway Board (Min. of Railways),
New Delhi. Applicant
(By Advocate: Sh. B.S. Mainee)

VS.

Union of India through

1. The Secretary,
Railway Board (Min. of Railways),
Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Bombay VT.
3. The Chief Personnel Officer,
Central Railway,
Bombay VT. Respondents
(None).

ORDER (ORAL)

By Mr. Justice V. Rajagopala Reddy,

Heard the counsel for the applicant. None appears for the respondents. Since the matter was part heard we proceed to dispose of the OA.

2. The applicant was initially appointed in 1972 as Junior Clerk and was promoted in 1977 as Senior Clerk and thereafter was promoted as Statistical Inspector Grade-III in 1982. Subsequently, he was promoted as Statistical Inspector Grade-II in 1990 w.e.f. 7.5.90 though he was entitled for promotion w.e.f. 1.4.88. Subsequently, the error was noticed and the applicant was given promotion w.e.f. 9.4.88. The



applicant, having been declared successful in the written examination conducted for promotion to the post of APO (Gr. B), was shown at Sl. No.26. He was called for viva voce test on 10.11.93. Thereafter in the list of 21 employees, the applicant's name was shown in the list of SC candidates. It is the case of the applicant that the respondents had unlawfully denied promotion to the applicant while promoting his juniors.

3. Learned counsel for the applicant, however, brings to our notice the proceedings dated 4.4.2000 issued by Railway Board, after filing the OA, directing the General Manager, Northern Railway to consider the case of the applicant who was eligible for selection as APO Gr. B. It was noted that in the test in which he appeared in 1993, he was found eligible for promotion but he was not empanelled due to wrong seniority position shown by the Central Railway. The Railway Board, therefore, reiterated that the Board's instructions dated 18.6.93 should be complied with immediately and the order set aside immediately in the cadre of APO w.e.f. 14.12.92. and the selection process for the post of APO held in 1993 should be reviewed and the applicant be considered for empanelment granting all consequential benefits.

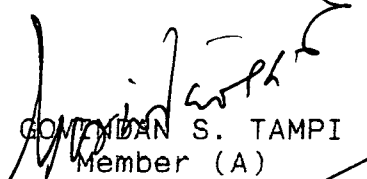
4. In view of the proceedings which were issued by the Railway Board to the General Manager, it is needless to say that General Manager should comply with the same expeditiously. Nothing further survives in the OA. It is, however, made clear that the respondents General Manager,

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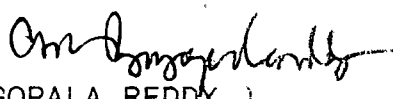
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[3]

Central Railway should comply with the order within 3 months from the date of receipt of a copy of this order. The OA is, accordingly, allowed with costs of Rs.5000/- against Resp. No.2 & 3.


(GOPINATHAN S. TAMPI)
Member (A)

'sd'


(V. RAJAGOPALA REDDY)
Vice Chairman (J)