

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2926/1997

New Delhi, this 5th day of August, 1998

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Naresh Kumar Malik
s/o Shri Gobind Ram Malik
Junior Ticket Inspector
under DRM Office, CTI/Station
New Delhi

Applicant

(By Advocate Shri B.S. Mainee)

versus

Union of India, through

1. General Manager
Northern Railway
Baroda House, New Delhi
3. Divisional Railway Manager
Northern Railway
State Entry Road, N.Delhi

Respondents

(By Advocate Shri R.L. Dhawan)

ORDER(oral)

Hon'ble Shri T.N. Bhat

Heard the learned counsel for the parties for final disposal of the OA at the admission stage itself.

2. The applicant is aggrieved by the letter ~~of~~ show cause notice dated 8.10.97 issued by the Divisional Personnel Officer, Northern Railway, New Delhi, by which the applicant has been informed that the respondents proposed to rectify his seniority position and assign him seniority below Shri Chander Pal and above Shri C.P. Malik in the seniority list already issued. The applicant has further been asked to submit his representation against the above proposal within one month from the date of receipt of the show cause notice.

by *[Signature]*
5.8.98

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(2)

2. Admittedly, the applicant has already made representation a copy of which is at Annexure A-7. We have gone through the representation. Learned counsel for the respondents states that since the representation has already been submitted by the applicant, respondents shall need sometime to take a decision on the same.

3. Learned counsel for the applicant states that the respondents are proceeding on the basis that the applicant has joined on 29.4.80 and accordingly seniority has to be assigned to him from that date, the correct position is that the applicant was appointed as Ticket Inspector on 11.2.80 but for administrative reasons he could not be relieved before 29.4.80. According to the counsel, applicant cannot be penalised for the fault on the part of respondents in not relieving him in time.

4. We have considered the rival contentions of the parties. On going through the representation, we find that the applicant has specifically stated that his date of appointment as TCR as per respondents' seniority list is 11.2.80 and that seniority should be assigned to him on that basis.

5. Since the representation is already under consideration, it is only fair that respondents are given some time to take a decision on the same. We accordingly dispose of the OA with a direction to the respondents to take a decision on the representation of


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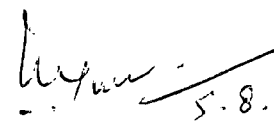
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the applicant. While doing so, due consideration shall be given to the contents of para 4 of the representation wherein the applicant has stated that his date of appointment should be taken as 11.2.80 and not the date when he actually joined after being relieved from the post of Booking Clerk, which he was holding prior to his appointment as TCR.

6. This order shall be complied with within a period of three months from the date of receipt of a certified copy of this order. With this direction, the OA is disposed of, leaving the parties to bear their own costs.

7. We make it clear that if the applicant feels aggrieved by the decision of the respondents so taken, it shall be open to him to work out his remedy including filing of a fresh OA, if so advised.


(S.P. Biswas)
Member(A)


5.8.1998
(T.N. Bhat)
Member(J)

/gtv/