

13

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 953/97

New Delhi this the 4th day of September, 1998.

HON'BLE MR. S.R. ADIGE, VICE-CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Om Prakash Saini,  
S/o Shri Atma Ram,  
R/o Punjab Bhawan,  
Copernicus Marg,  
New Delhi-110001.

...Applicant

(By Advocate Shri S.K. Sawhney)

- VERSUS -

1. Union of India through  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Northern Railay,  
DRM Office,  
New Delhi.
3. Shri Ved Prakash,  
Divisional Personnel Officer,  
Northern Railway,  
D.R.M. Office,  
Chelmsford Road,  
New Delhi.

...Respondents

(By Advocate Mrs. B. Sunita Rao)

O R D E R (ORAL)

HON'BLE MR. S.R. ADIGE, VICE-CHAIRMAN(A) :

Applicant prays for promotion to the post of  
Chief Wagon Superintendent (CWS) (Rs.2375-3500) w.e.f.  
25.2.94, i.e., the date on which his immediate junior  
Shri R.C. Sharma was promoted.

2. We have heard applicant's counsel Shri  
S.K. Sawhney and respondents' counsel Mrs. B. Sunita  
Rao.

3. Pursuant to the Tribunal's order dated 9.9.93 in OA-719/88, directing the respondents to reckon applicant's seniority w.e.f. 15.3.79 and entitling him to all consequential benefits, the respondents issued orders dated 10.1.95 (Annexure A-3), revising his seniority and giving him promotion in the next lower scale of Rs.1600-2660 w.e.f. his immediate junior Shri R.C. Sharma, who in the meantime had been promoted as CWS (Rs.2375-3500) on 25.2.94. In that order dated 10.1.95 it was stated that applicant's promotion to the grade of Rs.2375-3500 would be decided by H.Q. office.

4. Respondents' counsel Mrs. Rao has invited our attention to the H.Q. letter dated 3.2.95, a copy of which is taken on record, stating that applicant was considered for promotion as CWS (Rs.2375-3500), but after scrutinising his CRs for the last three years, i.e., 1990-91, 1991-92, 1993-94 and also the special working report for 1994-95 was not considered fit for promotion to grade of Rs.2375-3500.

5. It is not denied that the applicant has subsequently been promoted as CWS w.e.f. 10.8.96.

6. As the operative date on which applicant's junior Shri R.C. Sharma was promoted to grade Rs.2375-3500 was 25.2.94, manifestly, the CRs of the applicant for the years 1993-94 and 1994-95 were not relevant for consideration and only CRs for the relevant period ending 31.3.93 should have been taken into account while considering applicant's case for

A

15

[3]

promotion as CWS w.e.f. 25.2.94, because CRs for the years 1993-94 and 1994-95 would not have been available on 25.2.94.

7. In the result, the O.A. succeeds and is allowed to this extent that the respondents should reconsider the applicant's case for promotion as CWS (Rs.2375-3500) w.e.f. 25.2.94, after taking into consideration CRs for the relevant period upto 31.3.93, and pass appropriate orders in accordance with rules and instructions, within three months from the date of receipt of a copy of this order. Thereafter, if applicant, on the basis of this reconsideration find fit for promotion as CWS (Rs.2375-3500) w.e.f. 25.2.94, he will be entitled to all consequential benefits flowing therefrom. No costs.

A.Vedavalli

(Dr. A. Vedavalli)  
Member (J)

S.R. Adige  
(S.R. Adige)  
Vice-Chairman(A)

'Sanju'