

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

R.A. No. 81/98 and M.A. No. 853 of 1998 IN  
O.A. No. 410/97

New Delhi this the 8th day of May, 1998

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)  
HON'BLE MR. T.N. BHAT, MEMBER (J)

1. General Manager (Personal),  
Northern Railway,  
Baroda House,  
New Delhi.
2. C.S.T.E./MWM,  
2nd Floor,  
New Exchange Building,  
State Entry Road,  
New Delhi. ...Review Applicants.

By Advocate Shri R.L. Dhawan

Versus

Shri Ram Din  
S/o Shri Shukhi,  
R/o Gali No.4, D-38A,  
Tajpur Extension,  
Mohan Bawa Nagar,  
Badarpur,  
New Delhi-110 044.

..Respondents

By Advocate Shri Nalin Tripathi.

ORDER (ORAL)

Hon'ble Mr. K. Muthukumar, Member (A)

Heard Shri R.L. Dhawan, learned counsel on the Review Application. The counsel for the review applicants submit that during the course of the disposal of the O.A., unfortunately the respondents had failed to bring the circular regarding, the avenues of promotion of Ferro-Typer to the notice of the Tribunal and, therefore, he submits that the order passed in the OA need a clarification.

2. In the order passed on the O.A., the Tribunal has noted the respondents' stand that there was no post of

Ammonia Printing Machine Operator in the respondents organisation. However, taking into account the other facts and circumstances of the case, it was ordered as follows:-

"In the circumstances and in the absence of a final decision at the instance of the respondents within the time granted by this court in the previous OA, we are constrained now to direct the respondents to pass appropriate orders either by designating the post, the petitioner is holding, for the last ten years, as Ammonia Printing Machine Operator, as done in the case of Shri Brijesh Gautam or consider to promote him in the scale of Rs.950-1500 as it is done in the case of Ashinder Singh, if otherwise eligible in accordance with the Rules. The final order in this regard, in the lines stated above, shall be passed within eight weeks from the date of the receipt of the copy of this order and communicate the same to the petitioner by Registered A/D Post. The final order when passed, the benefit arising out of the same shall be given to the petitioner from the date of this order, i.e., from today."

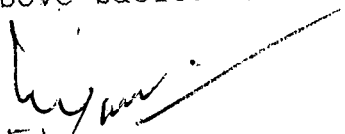
3. As it is evident from the above order, the respondents were directed to consider the case of the applicant for promotion to the scale of Rs.950-1500 as was done in the case of Shri Ashinder Singh if otherwise eligible in accordance with the rules and the respondents were also directed to issue the final orders in this behalf within 8 weeks. The counsel for the respondents submits that a final order has been issued in this behalf by their order dated 20.1.1998.

4. In the circular cited by the review applicants it is stated that Railway Board has decided that alternative avenues of advancement for the Group 'D' (Class-IV) staff viz. Ferro Khalasi grade Rs.196-232 (RS), Ferro Printer grade Rs.210-290 (RS) and Ferro Typer grade Rs.225-308 (RS) for whom the post of Tracer grade Rs.260-330 (RS) was in the line of advancement will now be

office clerk grade Rs.260-400 (revised scale Rs.950-1500). After going through the circular, we do not find that this particular circular is of great relevance and have any bearing on the final order. All that was directed in the aforesaid order was that the respondents should treat the applicant in the same manner as Shri Ashinder Singh in accordance with the rules, if he is otherwise eligible.

5. In the circumstances, we do not consider it necessary to make any modification in our order. No clarification is also needed in this case. It is open to the respondents to issue such order as may be provided under the rules for the purpose of granting relief to the applicant. Since it is stated that the applicant has been given final order by the respondents letter dated 19.1.1998, it is open to the applicant to seek such action as may be necessary and seek such remedy as available under the law.

6. The Review Application is disposed of on the above basis. There shall be no order as to costs.

  
(T.N. BHAT)  
MEMBER (J)

  
(K. MUTHUKUMAR)  
MEMBER (A)

Rakesh

