

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

M.A.1803/94 in O.A.117/94

New Delhi, dated this the 17th of August, 1994.  
Shri N.V. Krishnan, Hon. Vice Chairman(A)

Shri C.J. Roy, Hon. Member(J)

Shri S.S. Tandon,  
Senior R.D.I.,  
Northern Railway,  
D-367, Anand Vihar,  
Delhi 110 092

...Applicant

By Advocate: Shri R.K. Kamal.

versus

1. Union of India through  
The Secretary,  
Railway Board,  
Rail Bhawan,  
Rafi Marg,  
New Delhi-1.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-1.
3. Shri K.N. Dalela,  
Senior Research & Development Inspector,  
Muradabad Division through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-1.
4. Shri R.M. Saxena,  
Senior Research & Development Inspector,  
Delhi Division through  
The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-1.

...Respondents

By Advocate: Shri Romesh Gautam for respondent 1&2.  
Shri G.D. Gupta, counsel for respondent 3&4.

O R D E R (Oral)

By Shri N.V. Krishnan.

This OA is filed by the applicant seeking  
the following reliefs:-

- (i) Respondent No.1 and 2 be directed to promote  
the applicant to the scale of Rs.375-3500  
w.e.f. 1.3.1993 in accordance with the  
provisions of the Restructuring Scheme  
(Ann.A1), with all consequential benefits;
- (ii) Respondent Nos.1 and 2 be restrained from  
granting any inflated seniority over the  
applicant on the basis of ad hoc service  
rendered by them in the scale of  
Rs.1600-2660.

...2...

2. Notice was issued to the respondents, who have filed the reply.

3. On the last occasion, the learned counsel for the respondent No.1 and 2 prayed for some time to enable the Assistant Personnel Officer, Northern Railway to make a statement in this regard, as he felt that on the basis of that statement, it would be possible to dispose of the OA itself. Accordingly Shri S.K. Sood, Assistant Personnel Officer has appeared before us. He states ~~that~~ there are six vacancies of Senior Research & Development Inspector in the scale of Rs.2375-3500 and that the applicant would be promoted to one of these posts. The date with effect from which the appointment would be made, would be determined by the order issued in this behalf.

4. The learned counsel for the applicant submits in so far as this matter is concerned, it satisfies the first prayer made by him in this OA and he has no objection to the disposal of the OA itself, if he is given liberty to pursue the second prayer separately in accordance with law.

5. The other parties have no objection to grant this liberty.

6. Having heard the parties and the submissions made before us, we are of the view that the substantial grievance of the applicant relates to promotion and this has been met by the statement made by the Assistant Personnel Officer, which is taken on record. In the circumstances, we direct the respondent No.1 and 2 to give effect to the assurance given today at the bar, in so far as the applicant is concerned, within a period of one month from today. We make it clear that this order will

not stand in the way of the applicant from seeking redressal of the grievance in respect of which the prayer at (ii) in para(1) supra has been made, in accordance with the provisions of law, as we have not decided that matter on merits.

7. OA disposed of accordingly. No costs.

*[Signature]*  
(C.J. ROY)  
MEMBER (J)

*[Signature]* 17.8.94  
(N.V. KRISHNAN)  
VICE CHAIRMAN (A)

/kam/