

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.93 of 1994

New Delhi, this the 13th day of July, 1998

Hon'ble Mr. N. Sahu, Member (Admnv)
Hon'ble Dr. A. Vedavalli, Member (J)

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M.C. Tiwari, S/o Shri T.R. Tiwari, Aged about 47 years, R/o Quarter No. 39/B-3, Railway Colony, Shri Ram Road, Delhi AND EMPLOYED AS Chief Telephone Operator in the Divisional Railway Manager's Office, Northern Railway Chelmsford Road, New Delhi.

-APPLICANT

(By Advocate Shri B.B. Raval)

Versus

1. Union of India through the General Manager, Northern Railway, Government of India, Baroda House, New Delhi-110001.
2. The Divisional Railway Manager, Northern Railway, Government of India, Chelmsford Road, New Delhi-110001.
3. Shri R.C. Chawla, Superintendent Telephone Operator, in the Office of the Divisional Railway Manager, Government of India, Chelmsford Road, New Delhi-110001.
4. Smt. Shalini Mehra, Superintendent Telephone Operator, in the Office of the Divisional Railway Manager, Government of India, Chelmsford Road, New Delhi-110001.
5. Smt. Leela Chopra, Superintendent Telephone Operator, in the Office of the Divisional Railway Manager, Government of India, Chelmsford Road, New Delhi-110001.
6. Smt. Asha Sehgal, Superintendent Telephone Operator, in the Office of the Divisional Railway Manager, Government of India, Chelmsford Road, New Delhi-110001.

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7. Shri Sita Ram Assistant Personnel Officer, Northern Railway Headquarters, Baroda House, New Delhi C/o The General Manager, Northern Railway Headquarters, Government of India, Baroda House, New Delhi-110001.

-RESPONDENTS

(By Advocate Shri P.S.Mahendru)

ORDER (O R A L)

By Mr. N. Sahu, Member (Admnv) -

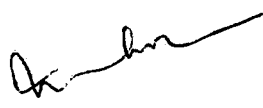
The reliefs claimed in this Original Application are two fold. The applicant prays for quashing the impugned order at Annexure-A transferring him to Lucknow Division and seeks a direction to the respondents to promote him as Superintendent Telephone Operator (in short 'STO') at Delhi Division itself either against a vacancy resulting from restructuring at New Delhi from 1.3.1993 or by transferring the post from Lucknow Division as was done in the case of respondents 3 to 6. The prayers of the applicant have been considered and an affidavit was filed to this effect on 6.7.1998 by the Senior Divisional Personnel Officer, Northern Railway. He explains that the STO had been a centralised post with Headquarters Office and, therefore, all the four persons promoted by the same order were posted outside Delhi subsequently. There was a decentralisation of the STOs post. The respondents discovered that one post of STO is lying vacant due to retirement of one incumbent. Shri Mahendru states that the reference to this post is at Lucknow and not at Delhi. The respondents concede that the applicant can be accommodated in the said post against upgraded element with effect from



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1.3.1993 (para 6 of the affidavit). Finally at para 9 it is stated that the request of the applicant has been again reviewed by the competent authority and they agreed to accommodate the applicant in the post of STO prospectively because one vacancy of STO has occurred in Delhi Division due to retirement of Smt. Shalini Mehra on 30.6.1997. This additional affidavit virtually solves both the grievances of the applicant and after hearing both the counsel the following directions are given.

2. The applicant's right to be accommodated at Delhi counts only from 1.7.1997 in the post of STO. As he has already been promoted by Annexure-A dated 22.12.1993 with effect from 1.3.1993 as STO in the grade of Rs.2000-3200 but transferred to Lucknow Division, there can be no difficulty in giving him notional promotion from 1.3.1993. We accordingly order that he shall be given notional promotion from 1.3.1993. This does not involve any financial benefits to the applicant on this ground. Shri Mahendru states that he shall be given additional benefits only from the date he assumes charge in the promoted post and not from 1.7.1997 on which date the vacancy had occurred. Shri Mahendru's point is correct. The applicant shall get the additional pay from the date he assumes the higher responsibilities and the orders in this regard will be passed within two days.



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3. A copy of this order be supplied to the
counsel for both the parties.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

N. Sahu
(N. Sahu)
Member (Admnv)