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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1965/89

New Delhi, dated the 27th April, 1994

Hon'ble Sh. N.V. Krishnan, Vice Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

- i) Smt. Phulwati widow late Sh. Jeet Singh, R/O IV/1789, Mahavir Block, Gali No. 6, Bholanath Nagar, Shahdara, Delhi-32
- ii) Harsh Prabha minor daughter through Guardian (i)
- iii) Sarvadaman Singh minor son through Guardian (i)-legal heirs of Shri Jeet Singh S/o Sh. Soda Ram. . . . Applicants

(By Advocate Sh. B.S. Maine)

Versus

Union of India: through

1. The General Manager, Northern Railway, Baroda House, New Delhi
2. The Divisional Railway Manager, Northern Railway, State Entry Road, New Delhi

.... Respondents

(By Advocate Sh. B.K. Aggarwal)

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

This application was filed by Shri Jeet Singh, Luggage and Platform Inspector under the 2nd respondent (Divisional Railway Manager (Northern Railway), New Delhi, During the pendency of this O.A., the applicant died on 10.6.92.

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The reupon, MP No.3145/92 was filed to bring on record the legal representative which has been allowed.

2. The employee was appointed as Commercial Clerk in Feb., 1961. By the Amn.A.2 order dated 17.5.1982, he was selected for the post of Luggage and Platform Inspector/ Platform and Luggage Supervisor. He was also appointed on that post, subsequently, by the impugned Amn.A.1 order dated 21.9.89, the applicant has been transferred to the post of Chief Booking Clerk on the scale of Rs 1400-2300 at Bahadurgarh.

3. The grievance of the applicant is, that in the meanwhile, persons who were his juniors in the grade of Booking clerk had already been promoted to the higher grade as Chief Booking Supervisor in the scale of Rs 700-900(2000-3200). In the circumstances, the ~~applicant~~ ^{employee} felt aggrieved by the transfer as Chief Booking Clerk (Rs 1400-2300). He has prayed that respondent should be directed to continue the ~~applicant~~ ^{employee} on the post of Luggage and Platform Inspector.

4. Respondents have filed a reply in which it is stated that Luggage and Platform Inspector cadre was a permanent cadre when the ~~applicant~~ ^{employee} was selected and appointed to that post. Therefore, after his appointment as such he was not considered for any promotion on the booking clerk stream ^{as cadre}. However, this ~~case~~ has now been declared as ex-cadre and, therefore, it is stated as follows:-

"It is denied that the applicant has been reverted. The applicant was working in the past against a permanent strength of Luggage and Platform Inspector which has now been declared

as ex-cadre on 7.12.1987 and as such his seniority in his parent cadre of booking clerk will be fixed. He will be given his due promotion if due as per his seniority after following the procedure/formalities."

5. When the case came up today for final hearing, learned counsel for the applicant submitted that as original applicant died on 10.6.1992, he would be satisfied with a direction to the respondents to implement the assurance given by them above and grant the consequential benefits to the legal heirs.

6. Learned counsel for the respondents has no objection to the disposal of this case on this basis.

7. In this view of this matter, we dispose of this O.A. with a direction to the respondents to comply with the assurance contained in para 4.17 of their reply reproduced above and consider the appointment of the deceased employee notionally to the highest post in the Booking Clerk cadre to which any of his juniors in that cadre has been promoted/^{as} on the date of the Ann.A.1 order i.e., 21.9.89 and if considered fit to promote him notionally on that post and to re-fix the terminal benefits in respect the deceased and the family pension due to the surviving legal heirs and pay the dues to the legal heirs(applicants) within a period of three months from the date of receipt of a copy of this order.

8. O.A. is disposed of with the above directions.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)

27.4.89
(N.V. Krishnan)
Vice Chairman (A)