

Central Administrative Tribunal
Principal Bench, New Delhi.

(20)

OA-2595/91

New Delhi this the 24th Day of May, 1996.

Hon'ble Sh. B. K. Singh, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Sh. Hazari Lal Sharma,
S/o late Sh. Baldeo Prasad Sharma,
E/o Sh. Rakesh Kumar Sharma,
Q. No. 9-B, DDA Colony, Janta Flat,
Ram Pura, Delhi-35.

Applicant

(through Sh. H. P. Chakravorty, advocate)

versus

1. Union of India,
through the Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.

2. The General Manager,
Central Railway,
Bombay VT.

Respondents

(through Sh. N. K. Aggarwal, advocate)

ORDER
delivered by Hon'ble Sh. B. K. Singh, Member (A)

This O. A. No. 2595/91 has not been directed against any particular order. The applicant is aggrieved on account of his supersession by his junior and for stepping up of pay, pension and gratuity etc. at par with that of his junior.

The reliefs prayed for are that the supersession of the petitioner in the post of Head Draftsman Grade Rs. 1600-2660 by his juniors be declared as illegal and to direct the respondents to release difference of arrears of monthly salary from

(Signature)

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his
the date junior got promotion ignoring the petitioner
besides enhanced rate of pension and gratuity consequently.

On notice the respondents filed their reply
contesting the application and the grant of reliefs prayed
for.

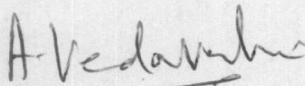
Heard the learned counsel for the parties and
perused the record of the case.

The seniority list which has been placed on record
establishes that Sh. Hazarilal Sharma (the present
applicant) is at serial No.76 and Sh. M.N. Palav is at
serial No.78. The record shows that three ad-hoc promotions
were made on the basis of seniority-cum-fitness when there
had been nothing against the applicant.

The respondents filed their reply and the various
averments made in the reply were rebutted by the applicant
in the rejoinder. The respondents in the reply have taken
the plea that due to heavy flood the office was shifted
and the relevant file got misplaced. They were directed
to file an affidavit to that effect. The respondents filed
an affidavit but the Tribunal was not fully satisfied with
this affidavit and they were asked to supplement certain
points raised by them by another affidavit. They filed
another affidavit and in both the affidavits they have
taken the same plea that the relevant file is not available.
The only plea that has been taken about promotion is that
Sh. M.N. Palav, Sh. S.R. Patil and Sh. S.R. Vaidya were given
promotion purely on ad-hoc basis. This was local arrangement

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in the exigencies of work in Bombay vide their orders dated 22.5.89, 30.6.89 and 5.6.90. It was stated that the applicant was based in Jhansi. This is not disputed that the applicant is senior to these people. Even if local arrangement was being made to give officiating promotion, the applicant's case should have been considered at par with those of his juniors. This was not done and the applicant has a genuine grievance. Even though others have retired, they have got the benefit of officiating promotion and higher pay. In the interest of justice and equity, the respondents are directed to consider the case of the applicant for proforma promotion if he is otherwise eligible and found fit from the date his junior Sh. M.N. Pallav was promoted. The O.A. is disposed of accordingly but without any order as to costs.


(Dr. A. Vedavalli)
M(J)


(B.K. Singh)
M(A)

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