

(10) (7)

In the Central Administrative Tribunal

Principal Bench: New Delhi

CCP 171/92 in
OA 276/91

Date of decision: 27.07.1992

Hari Kishan

...Petitioner

Versus

V.K. Aggarwal, D.R.M.,
Central Railway, Jhansi.
Coram:-

...Respondent

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Member(A)

For the Petitioner

Shri Sanjay Parikh, Counsel.

For the Respondents


Shri H.K. Gangwani, Counsel.

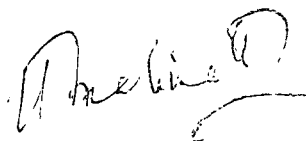
O R D E R

After hearing this case for some time, we are left with the impression that the respondents should have given promotion to the petitioner within a reasonable time, according to him the benefit of notional seniority in the cadre of Ticket Collector, as on the date his immediate junior was promoted to the cadre and restricting his further wages only from the date of his actual promotion. The respondents say that they have taken steps to include his name in the Select List so that he could be sent for training. As there are no sufficient number of persons available, training was not actually given to him. Whatever may be the problems in regard to giving training to the petitioner, having regard to the plain language of the direction in the judgement, it is obvious that there could be no undue delay in the matter of giving promotion to the petitioner. The petitioner is right when he says that he should not be assigned the duties of the Ticket Collector until and unless he is given necessary training. As the respondents

have delayed the matter of giving training to the petitioner unnecessarily, we dispose of this Contempt Petition with the following directions:-

- i) The respondents shall treat the petitioner as having been promoted to the cadre of Ticket Collector as on the date his immediate junior was promoted. He shall, however, not be entitled to back wages.
- ii) The respondents shall give the wages of the Ticket Collector from this date onwards to the petitioner though his actual posting as a Ticket Collector shall be done only after the respondents give him the necessary training. Until the regular training is given to the petitioner he shall continue in the job which he is doing now but receive the salary of Ticket Collector. No costs.


(I.K. Rasgotra)
Member(A)


(V.S. Malimath)
Chairman

July 27, 1992.

skk