

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 2196 of 1992

New Delhi this the 15th day of September, 1997

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Shri Y.P. Vadehra
S/o Late Shri M.L. Vadehra
working in the office of the
Chief Administrative Officer (Construction),
Northern Railway,
Kashmeri Gate,
Delhi.

... Applicant

By Advocate Shri B.S. Mainee

Versus

Union of India through:

1. The Secretary,
Ministry of Railways,
Railway Board,
Rail Bhavan,
New Delhi.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

3. The Chief Administrative Officer
(Construction),
Northern Railway,
Kashmeri Gate,
Delhi.

... Respondents

By Advocate Shri P.S. Mahendru

ORDER (ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman

The applicant in this case originally joined R.D.S.O., Lucknow on 24.10.1966 as a Class-I Officer. Subsequently, the Architectural Directorate of the Railways were wound up and at the time of winding up, the applicant was working as Joint Director (Architecture) at R.D.S.O., Lucknow. Thereafter, the respondents redeployed all the officers and absorbed

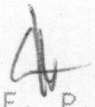
them in 9 different Zonal Railways and the applicant was appointed as Joint Director, Land Management (Buildings), Northern Railway by an order dated 1.11.1988 and was holding a post equivalent to Deputy Chief Engineer (Civil). The applicant in this O.A. claims that the respondents inspite of several representations never finalised the seniority, due to which many of his juniors were promoted. This was denied to the applicant, even though the respondents did not reply to his representations.

7. Respondents on the other hand initiated action in favour of the applicant by their letter dated 4.8.92 by which the respondents have sought the concurrence of the UPSC, which according to the rule, was necessary to do so. It was stated in the said letter that under Rule 4(d) of the I.R.S.E. Recruitment Rules, concurrence was necessary even if the Railway Board decides to grant appropriate placement to the applicant. Accordingly, the respondents requested the UPSC to accord their approval for placement of Shri Y.P. Vadehra below all the IRSE officers who have been empanelled in J.A. grade prior to March, 1983. By the letter dated 18.4.94, the Railway Board intimated that the recommendation of the U.P.S.C. was still not forthcoming and it has transpired that the Commission has not taken a final decision in view of the case pending in this Tribunal. The UPSC is not a party in the case either.

3. We have perused the record. Heard the counsel for both the parties and we are of the opinion that the recommendation of the Railway Board to the UPSC regarding inclusion of the seniority of the applicant in accordance with the IRSE Recruitment Rules, is in order as the applicant is, on the facts and circumstances of the case, entitled to such fixation. Respondents are, therefore, directed to expedite the matter with the UPSC and finalise the seniority question pending since 1988 and pass appropriate orders within 3 months from the date of receipt of a copy of this order and communicate the appropriate orders passed by the Railway Board to the applicant forthwith. It goes without saying that benefits arising out of the said order to be passed by the Railway Board will include all consequential benefits arising out of the fixation of seniority thus made after obtaining concurrence from UPSC including promotion, if any due, in accordance with the rules. The consequential benefits shall be granted within 4 weeks thereafter.

4. With the above directions, the O.A. is disposed of finally. No costs.


(K. MUTHUKUMAR)
MEMBER (A)


(DR. JOSE. P. VERGHESE)
VICE CHAIRMAN(J)

Rakesh