

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 22nd day of October, 2002.

Original Application No. 202 of 1996.

Hon'ble Mr. S. Dayal, Member- A.

Hon'ble Mr. A.K. Bhattachar, Member- J.

Jagdish Babu Dubey S/o Late Ram Karan Dubey
a/a 48 years, at present working as Senior Electrical
Foreman (General), Northern Railway, Mirzapur. Present
address of communication- Railway Quarter No. 51-A,
Railway Colony, near Goods-shed, Mirzapur.

.....Applicant

Applicant inperson.

V E R S U S

1. Union of India owned and represented by Northern Railway and so notice to be issued upon the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Nawab Yusuf Road, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for direction to the respondents to correct the seniority of the applicant on the basis of his promotion to the grade of Rs. 700-900 (2000-3200 RPS) from 20/22.07.1982. The applicant also seeks consequential benefits of promotion to the next grade of Rs. 2375-3500 (RPS) from 01.01.1984. The applicant seeks the payment of arrears of wages with 18% interest.

2. The claim of the applicant is that he was entitled to promotion on upgradation w.e.f 01.01.1984 in the pay scale of Rs. 2375-3500/- as Chief Electrical Foreman. He claims that persons junior to him had been promoted by

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respective D.R.Ms w.e.f 01.01.1984. The list, according to the applicant, came to his notice on 20.03.1994 when the second list dated 02.03.1994 was received in Allahabad Division. The applicant made a representation dated 24.03.1994 against his position at Sl. No. 35 in seniority list which was received in his office on 20.03.1994. It is claimed that ~~the~~ promotion to the grade of Rs. 700-900 (2000-3200/- RPS) and 2375/- (RPS) were announced by the Railways w.e.f 01.01.1984 and 01.03.1993 respectively. The application has been filed in the context of above facts.

3. We have heard arguments of applicant inperson and Sri A.K. Gaur, learned counsel for the respondents.

4. The applicant has drawn the attention to letter of Headquarter, Baroda House, New Delhi No.847-E/147/95/EIIA dated 22.08.1995 addressed to D.R.M, Northern Railway, Allahabad. It has been mentioned in the said letter that the dispute regarding seniority will have to be decided by Allahabad Division. Since the cadre of CEFO has been decentralised by office order dated 31.07.1995. The Division was advised to afford opportunity to represent after giving one month notice. It was also requested that seniority of the affected staff may be decided in the light of decision and promotion of the applicant to the post C.E.F.O grade 2375-3500/- may also be considered at the end of D.R.M. If juniors to him have already been promoted as C.E.F.O giving him all benefits as per extant rules as the post has been decentralised.

5. The applicant prays that the respondents may be directed to issue orders in the light of this letter dated 22.08.1995 as they are yet to issue orders in this regard. We, therefore, direct the respondents to consider the aforesaid letter date 22.08.1995 and issue appropriate

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orders within a period of three months from the date of receipt a copy of this order.

6. There shall be no order as to costs.

Arv
Member - J.

Arv
Member - A.

/Anand/