

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.578 OF 1998
ALLAHABAD THIS THE 25TH DAY OF JANUARY, 2005

HON'BLE MR. JUSTICE P. SHANMUGAM, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

Yogendra Nath Pandey,
S/o Shri Ram Briksh working as
Head Clerk under Divisional Security Commissioner,
Railway Protection Force, North Eastern
Railway, Varanasi, R/o Phulwaria Saraiyan,
Gate No.5, Kotwa Road, Varanasi.

..... .Applicant

(By Advocate Shri S. Ram, Shri Anand Kumar,
Shri C.P. Gupta)

Versus

1. Union of India, through General Manager,
North Eastern Eailway, Gorakhpur.
2. Chief Security Commissioner/Railway Protection
Force, North Eastern Railway, Gorakhpur.
3. Divisional Security Commissioner/Railway
Protection Force, North Eastern Railway,
Varanasi.

..... .Respondents

(By Advocate Shri A. Sthalekar)

O_R_D_E_R_

HON'BLE MR. JUSTICE P. SHANMUGAM, VICE-CHAIRMAN

The applicant seeks to quash the order
Annexure-3. The applicant was initially appointed as
Clerk grade Rs.260-400(RS) on 17.08.1978 in Security
Branch. The issue before this Tribunal for considera-
tion is whether the applicant is entitled for the
seniority and the emoluments from 06.09.1982 from the
date of actual promotion as Senior Clerk. As per the

(D)

circular dated 04.12.1997 the Proforma fixation of serving graduate clerks as Senior Clerks has to give them increased initial emoluments without any benefit of seniority, since the seniority is based on the date of the regular promotion after due process in the case of promotees and the date of joining. The applicant was promoted on 06.09.1982 on regular basis through due process vide Annexure A-5. The Hon'ble Supreme Court in Smt. Anuradha Mukherjee and Ors. etc, Vs. Union of India and Others etc, (1996)2 UPLBEC 1395, wherein it was categorically held that all in-service graduate Clerks, (Grade-II) appointed to Grade I scale would get only proforma promotion as Grade I Clerks from October 1, 1980 without any monetary benefits except for the purposes of pension and that they are entitled to emoluments with effect from the date actually holding over the charge. The inter se seniority would be as per para 302 i.e., the date of seniority in the grade viz the date of appointment to a post in that grade. Applying the above ratio the applicant has made out a case for entitlement of getting his seniority and emoluments from 06.09.1982, the date on which he was promoted and functioned as Senior Clerk.

2. The applicant has restricted his claim for his seniority only from 06.09.1982. For all the above reasons the O.A. is allowed. The applicant's seniority shall have to be recasted. The applicant is entitled to fix his seniority from 06.09.1982. The applicant shall be entitled for consideration for his further promotion as Office Superintendent on the basis of the recasting of the seniority. The respondents shall issue appropriate order within a period of three months from the date of receipt of a copy of this order. The O.A. is allowed accordingly. No Costs.

D.K.
 Member-A


Vice-Chairman