

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 714 of 1998

Allahabad this the 03rd day of August, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Pramod Kumar Jha S/o Suyodhan Jha R/o Store Khalasi,
Working under Senior Section Engineer/Track/Janghai,
Northern Railway, District Jaunpur.

By Advocate Shri N.L. Srivastava

Applicant

Versus

1. Union of India through General Manager, Northern Railway, Badauda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Divisional Superintendent Engineer(Co-ordination) Northern Railway, Lucknow.
4. Divisional Personal Officer, Northern Railway, Lucknow.
5. Assistant Engineer, Northern Railway, Pratapgarh.
6. Shiv Shanker, working under Senior Mechanical Engineer(Diesel) Alambagh, Northern Railway, Lucknow.

Respondents

By Advocate Shri Prashant Mathur

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant- Shri Pramod Kumar Jha while working as Gangman, on his request, he was shifted as Store Khalasi and applied for selection to the post of Office Clerk, but vide impugned order dated 15/16-6-98

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S.K.I.

(annexure-1) he has been de-panelled on the ground that he was appointed as Gangman in the grade of Rs.775-1025/- and he was empanelled erroneously as Office Clerk in violation of existing channel of promotion for the post of Office Clerk. Now he has come up for redressal through direction to the respondents to ~~per~~promote him as class III employee w.e.f. 27.03.1997 and to quash the impugned order.

2. The respondents have contested the case with the mention that the applicant being a Gangman does not come in the channel of promotional avenue to the post of Office Clerk and his posting as Store Khalasi was made erroneously by an authority, who was not competent to it.

3. Heard counsel for the parties and perused the record.

4. It is quite evident ~~and~~from the facts and circumstances of the case that the applicant who was in the panel of Office Clerk and subsequently vide this impugned order has been depanelled, which involves his civic right, but the order has been passed without giving him an opportunity to be heard and make his submissions before his depanelment.

5. For the above, the respondents are directed to re-consider the matter and ~~and~~pass appropriate order after giving an opportunity of being heard to the applicant. It be done within three months from the

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date of communication of this order. The O.A.
stands disposed of accordingly. No cost.

Danks *Selvaggio*
Member (A) Member (J)

/M.M. |