

open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.  
....

Original Application No. 818 of 1998

this the 23rd day of January' 2003.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Syed Azhar Imam, IOW, Gr.III under Dy. Chief Engineer (Cons.)  
East, N.E.R., Gorakhpur.

Applicant.

By Advocate : Sri A. Srivastava.

Versus.

1. Union of India through the General Manager, N.E.R.,  
Gorakhpur.
2. General Manager (P)/Chief personnel officer, N.E.R.,  
Gorakhpur.
3. The Chief Administrative officer (Cons.) N.E.R.,  
Gorakhpur.

Respondents.

By Advocate : Sri M.K. Sharma holding brief of Sri A.K.Gaur

O R D E R (ORAL)


By this O.A. under Section 19 of the A.T. Act, 1985, the applicant has prayed to quash the order dated 31.12.1997 (Annexure A-1) by which the applicant has been regularised on the basis of paper screening held between 12.12.97 and 28.12.97 as Group 'D' employee in the pay-scale of Rs.750-940/-. The order also provides that the applicant shall be continued to discharge the duties as Group 'C' employee on ad hoc basis, until he is regularised as Group 'C' employee.

2. The facts of the case are that the applicant was initially appointed as casual khalasi on 12.9.1974. He was granted time scale in unskilled grade from 1.1.1981. The applicant was further promoted in semi-skilled grade



(Rs.210-290) w.e.f. 16.4.1981 and in skilled grade Rs.950-1500/- w.e.f. 5.6.1986. Lastly, the applicant was promoted as Senior Chaser in the scale of Rs. 1200.-2040 w.e.f. 28.8.90. By the impugned order dated 31.12.97 he has been regularised as Group 'D' employee, though he has been permitted to continue to work as Group 'C' employee on ad hoc basis. It appears that after the retirement of one Shri Sami Ullah, who was serving as Janitor-cum-Work Mistry/HQ on 31.10.92, <sup>✓</sup>the applicant was given the charge of Janitor-cum-Work Mistry in the grade of Rs.1400-2300/- w.e.f. 1.11.92. The grievance of the applicant is that he should have been promoted alongwith other persons, who were junior to him and were granted promotion earlier. For this purpose, the applicant has filed M.A. no. 3310 of 2002 seeking amendment in the O.A. In support of which, a large number of documents have been filed as Annexure SA-1 to SA-15. Annexure SA-11 filed alongwith the amendment application is a representation addressed to Secretary (Establishment), Railway Board, New Delhi, in which the applicant has placed his grievances, in detail, and has prayed that he should also be promoted as Mistry alongwith five other persons. Since the applicant has already approached the authority competent to grant the relief, in my opinion, ends of justice would be better served if the respondent no.2 is directed to consider and decide the representation of the applicant in a time bound manner.

3. The O.A. is accordingly disposed of finally with the direction to the respondent no.2 i.e. General Manager (P), N.E.R., Gorakhpur, to consider and decide the representation of the applicant by giving the reasons in detail within a period of three months from the date <sup>of</sup> a copy of this order is filed. The applicant is given a liberty to file a fresh representation annexing therewith all the documents which have been annexed alongwith the





amendment application. It is also provided that if the grievance of the applicant is found justified, he shall be granted the relief. There shall be no order as to costs.



VICE-CHAIRMAN

GIRISH/-