

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 29TH DAY OF OCTOBER, 2001

Original Application No. 44 of 2001(U)

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

R.S.Shukla, a/a 57 years, son
of Shri K.N.Shukla, R/o T-30/C Railway
Colony, Dehradun, Pin-24001
State Uttaranchal.

... Applicant

(By Adv: Shri T.S.Pandey)

Versus

1. Union of India, through General Manager
Northern Railway, Baroda House
New Delhi.
2. Divisional Railway Manager, Northern
Railway, Moradabad Division,
Moradabad.
3. Senior Divisional Personnel Officer,
Northern Railway, Moradabad Division
Moradabad.
4. Jas Pal Singh, son of Shri Managal Singh
Chief Inspector, Northern Railway,
Moradabad Railway station, through
D.R.M, Moradabad.

... Respondents

(By Adv: Shri A.K.Gaur)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

The facts in short giving rise to this controversy are that the applicant is serving as Chief Inspector Tickets in Northern Railway at Dehradun. OA No.437/86 was filed raising the grievances in respect of promotions to STC, Conductors and STE. This OA was disposed of finally on 10.11.1987 by the following order:

"In view of the above, the Govt. respondent's action to make a new rule does not stand ⁱⁿ scrutiny"

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and the rule is struck down. They should have followed the direction of the Railway board's letter of 27.8.1983. They should do so now w.e.f. 29.10.1985 i.e. when they apply the new rules as averred in para 20 of their reply. The seniority of the applicants should be based on those principles for the limited purpose of further promotion keeping their interse seniority intact."

In pursuance of the aforesaid direction respondents decided seniority by order dated 5.2.1993(Annexure 6). In this seniority list applicant was shown at sl.no.10 where as respondent no.4 Jaspal singh was shown at sl.no.4. Then again a representation was filed. The discrepancy in seniority was corrected by order dated 6.8.1993(Annexure 7). Applicant's name was shown at sl.no.6 and the name of respondent no.4 was shown at sl.no.9. The applicant was satisfied with the determination of the seniority. However, he filed representation(Annexure 8) dated 20.4.2000 and representation dated 13.12.2000(Annexure 10) claiming that Anokhe Lal was assigned higher seniority and ^{was} given other benefits ignoring the claim of the applicant. This representation has been rejected by the impugned order dated 23.10.2000(Annexure 1). Learned counsel for the applicant has submitted that respondents have only considered the question of seniority and they have not considered the claim of the applicant regarding other ^{benefits}. In short, the submission is that the claim of the applicant regarding other benefits as extended to respondent no.4 has been ignored. From perusal of the impugned order dated 23.10.2000 this grievance appears to

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be justified. In our opinion, applicant deserves for a direction so that respondents ^{may} pass an order deciding his claim by a reasoned order with regard to other benefits.

The OA is accordingly disposed of finally with a direction to the respondent no.2, Divisional Railway manager, Moradabad to decide the representation^s of the applicant mentioned above by a reasoned order within three months with regard to other claims mentioned in the representations. No order as to costs.



(C.S.CHADHA)
MEMBER(A)



(R.R.K.TRIVEDI)
VICE CHAIRMAN

Dated: 29.10.2001

Uv/