

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of May 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

OCA 141/01 - O.A. No. 1046 of 1992

1. B.B. Tiwari S/O Sri Kamlapati Tripathi R/O 358-D, New Central Colony, Mughal Sarai, Chandauli.
2. D.K. Mehani S/O Late Bhagwan Das Mehani R/O Qr.No.196 AB, Central Colony, Mughal Sarai, Chandauli.
3. B.K. Sinha S/O Late K.P. Sahai R/O Qr.No.1354-A, Manas Nagar, Mughal Sarai, Chandauli.

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..... Applicants.

Counsel for applicants : Sri A.K. Sinha.

Versus

1. Sri A.M. S. Rana, General Manager, Eastern Railway, Fairlie Place, Kolkata.
2. Sri A.K. Goel, Divl. Railway Manager, Eastern Railway, Mughal Sarai, Chandauli.
3. Sri B.K. Singh, Sr.Divl. Personnel Officer, Eastern Railway Mughal Sarai, Chandauli.

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..... Respondents.

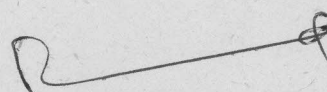
Counsel for respondents : Sri U.N. Sharma assisted by Sri A.V. Srivastava.

O R D E R (ORAL)

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

By this C.C.A. No.141 of 2001 filed in O.A. No.1046 of 92, applicants have prayed to punish the respondents for wilful disobedience of order dated 10.11.2000 passed in O.A. No.1046/92. The direction of this Tribunal was as under

"The respondents are directed to consider the applicants for regularisation in the cadre of Progress Chasers with effect from the date when recruitment rules for the post of Progress Chaser were finalized. They are also directed to refer the matter of merger of cadre of Progress Chaser with that of Clerks and in case the same is not.



found feasible, the matter of providing promotion avenues to the applicants in appropriate cadre and posts to the Railway Board. This shall be complied by the respondents within four months from the date a copy of this order is filed by the applicants."

2. From the aforesaid direction it is clear that the Tribunal disapproved the treatment given to the post of Progress Chaser on the ground that approval was not obtained from the Railway Board. In the operative part of the order passed, direction was for respondents to consider the applicants for regularisation in the cadre of Progress Chaser. It is not disputed that this part has been complied with. The applicants have been regularised. The dispute is with regard to later part of the direction which required to refer the matter to the Railway Board for merger of the cadre of Progress Chaser ^{with} ~~of~~ the clerk, and in case the same is not found feasible, the applicants may be provided ^{promotion} ~~primary~~ avenues in the railways. Along with supplementary counter filed on 16.5.02 along with M.A. No.2329/02, respondents have filed copy of the order dated 16.4.02 of the Railway Board. From perusal of the order, it appears that the Railway Board has approved the action of the Eastern Railways to treat the post of Progress Chaser as Ex-Cadre.

3. Learned counsel for respondents has submitted that as the post of Progress Chaser can be treated as Ex-cadre, the avenue of promotion remain^{is} available to the applicants in their parent department. They have also suggested that so far as Applicant No.1 is concerned, promotion ~~has~~^{has} been granted to him, and similar promotions can be granted to other applicants also.

4. Sri A.K. Sinha, learned counsel for applicant, however, submitted that the applicants joined as Khalasi sometime around 1973 and 1974. Thereafter on invitation given by the respondents they appeared and selected for the

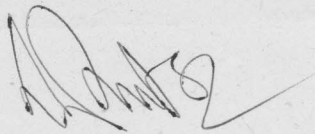
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post of Progress Chaser. They were appointed as Progress Chaser between 1979 and 1982. They have already served on these posts for more than twenty years and it shall be very unfair to consider them for ~~promotion from~~ ^{respective them to} the post of Khalasi.

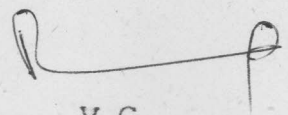
5. After considering the order of the Railway Board dated 16.4.02, we are of the opinion that the matter has ^{not} been placed before the Railway Board, ^{with correct} ~~placing this~~ angle including the merger of the applicant in clerk cadre as done in Dhanbad Division. The matter requires reconsideration by Railway Board, ~~that~~ as to what treatment should be given to applicants who have already served on the posts for more than 20 years. For this reason though we do not find that any contempt has been made out, we expect from respondents that they shall refer the matter to the Railway Board again for fresh consideration and orders in light of the observations made by us above. Sri U.N. Shama, learned counsel for respondents has assured that the ~~order of~~ ^{of the order} compliance shall be done within six months.

6. With the above observation, this CCA is disposed of. Notices issues are discharged.

No order as to costs.



A.M.



V.C.

Asthana/