

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH : ALLAHABAD

Original Application No.422 of 2004.

Wednesday, this the 19 th day of May,2004.

Hon'ble Mr. A.K. Bhatnagar, J.M.
Hon'ble Mr. S.C. Choube, A.M.

S.M.E. Raza,
S/o Late M. Raza,
R/o Manas Nagar,
1360.A.
Mughalsarai District-Varanasi.

.....Applicant.

(By Advocate : Shri S.K. Dev
Shri S.K. Mishra

Versus

1. Union of India,
through the General Manager,
E.C. Railway, Hajipur Bihar.
2. The Divisional Railway Manager,
E.C. Railway, Mughalsarai,
District - Varanasi.
3. The Senior D.P.O.
E.C. Railway,
Mughalsarai,
Varanasi.
4. Sri R.K. Rai OS. Gr-I
5. H.R. Singh OS Gr.I

All U/Sr.D.P.O. ECR Mughalsarai,
District Varanasi.

.....Respondents.

(By Advocate : Shri K.P.Singh)

ORDER

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

This OA has been filed under Section 19 of A.T. Act, 1985, praying for quashing the impugned order of reversion dated 31.3.2004 from the post of OS Grade-II to Head Clerk with all consequential benefit. He has

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further prayed for a direction to respondents to consider the applicant for promotion as OS. Grade I at par his junior named R.K.Rai and Hansraj Singh OS. Grade-I or in course of cadre restructuring w.e.f. 1.11.2003.

2. The facts as per the applicant are that the applicant was appointed on 27.2.1974 as Clerk Grade-II and he was promoted from time to time and now he is posted as OS Grade-II in scale of pay Rs.5500-9000 under Senior D.P.O./ECR/MGS. The grievance of the applicant is that his junior Shri R.K. Rai and H.R. Singh who were appointed as Clerk Grade-II on 26.3.1976 and 19.9.1977 respectively, were promoted as Head Clerk on 1.1.1984 and OS. Grade II on 8.11.1995 and OS Grade-I on 22.10.2003 ignoring the claim of seniority of the applicant. Learned counsel for the applicant submitted that he made a representation against denial of his due promotion and seniority at par his junior and then the competent authority with approval of DRM/MGS. Please to modify the same and assigned his seniority above his junior Shri R.K. Rai and H.R. Singh vide office order No.1327 of 2003 dated 29.12.2003 (Annexure-A-I). Learned counsel further submitted that the juniors of the applicant Shri R.K.Rai and H.R. Singh were promoted as OS Grade-I in scale of pay Rs.6500-10500/- on 22.10.2003 and their pay raised at 7900/- per month, while the pay of the applicant was fixed at Rs.7600/- as in the grade of OS Grade-II.

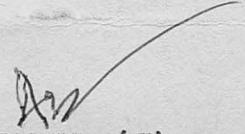
3. Inviting our attention on Annexure-A-1, learned counsel for the applicant submitted that the name of the applicant is on Sl. No.1 for consideration for promotion to the post of OS Grade-I at par his junior Shri R.K. Rai and H.R.Singh. Learned counsel for the applicant further

submitted that the applicant was subjected to reversion to the post of Head Clerk without being heard ~~him~~ vide office order No.334 of 2004 dated 31.3.2004 (Annexure-A-3) and thus the reversion order is illegal and arbitrary. Learned counsel for the applicant finally submitted that he has filed a representation on 12.4.2004 address^{ed} to respondent No.2 i.e. Divisional Railway Manager, East Central Railway, Mughalsarai for redressal of his grievances, which is still lying un-decided in the department and the applicant will be satisfied if the representation of the applicant filed on 12.4.2004 (Annexure-A-6) is decided by the respondent No.2 as in accordance with law.

4. Learned counsel for the respondents prays for time for filing the counter. In our opinion, it is not necessary to call for counter at this stage as the representation of the applicant can be decided by respondent No.2 within a stipulated time.

5. The OA is accordingly disposed of with a direction to respondent No.2 to decide the representation of the applicant dated 12.4.2004 within a period of two months from the date of receipt of a copy of this order by a reasoned and speaking order. No costs.


MEMBER (A)


MEMBER (J)

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