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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1632 of 2005

Friday, this the **28th** day of **September** 2007

Hon'ble Mr. Justice Khem Karan, Vice Chairman
Hon'ble Mr. K.S. Menon, Member (A)

Parsoti Singh, S/o Shri Lala Ram, Aged about 52 years, Resident of RB-1-16H (Double Storey) TRD Railway Colony, Mathura Jn.

Applicant

By Advocate Shri S.S. Sharma

Versus

1. Union of India through the General Manager, North Central Railway, Headquarters Office, Allahabad.
2. The Divisional Railway Manager, North Central Railway, DRM Office, Agra.
3. The Divisional Railway Manager, North Central Railway, DRM Office, Jhansi.
4. The Chief Electrical Engineer, North Central Railway, Headquarters Office, Allahabad.
5. The Sr. Divisional Electrical Engineer/TRD, North Central Railway, Agra.

Respondents

By Advocate Shri Saumitra Singh

ORDER

By Justice Khem Karan, V.C.

The applicant has prayed for the following reliefs: -

- {i} That the Hon'ble Tribunal may graciously be pleased to direct the Divisional Railway Manager, North Central Railway, Jhansi, respondent No.3 to declare result of the applicant and to interpolate name of the applicant in the panel for clerk in pay scale Rs.950-1500/- in the selection of clerk against 33-1/3% Departmental Promotee Quota as held vide Notification dated 1-4-1992 and 16-4-1992.
- {ii} That the Hon'ble Tribunal may graciously be pleased to direct the Divisional Railway Manager, North Central Railway, Jhansi, Respondent No.3 to issue promotion order of the applicant on

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the post of Clerk in Grade Rs. 950-1500/Rs.3050-4590/- in the selection of Clerk as held in 1992 at par with his junior/other successful candidates as promoted vide order dated 4-3-1994, with fixation of seniority and pay in this grade in continuous to his ad hoc promotion in this post and grade since 6-8-1987.

- {iii} That the Hon'ble Tribunal may graciously be pleased to direct the respondents to promote the applicant as Senior Clerk grade Rs.4500-7000/- and as Head Clerk grade Rs.5000-8000/- at par with his junior on the basis of his seniority as Clerk Grade Rs.3050-4590/- with fixation of seniority and pay in each grade.
- {iv} That the Hon'ble Tribunal may graciously be pleased to direct the respondents to pay arrear of pay in each post and grade as mentioned afore with interest 12% per annum compounded annually from the date it is due to the date it is paid to the applicant.
- {v} That the Hon'ble Tribunal may graciously be pleased to direct the respondents to pay damages Rs.2 Lakh or as may be decided by the Hon'ble Tribunal in the facts and circumstances of the case.
- {vi} That the Hon'ble Tribunal may graciously be pleased to allow heavy cost for application and legal expenses in favour of the applicant.
- {vii} That the Hon'ble Tribunal may graciously be pleased to pass any other order/directions as may deem fit and proper in the facts and circumstances of the case.

2. The applicant's case, in brief, is that in the year 1992 a selection for the post of Clerk in Jhansi Division of Central Railway, was held in which the applicant also appeared as a Scheduled Caste candidate. He says that result of his written examination as well as of all the Scheduled Caste candidates was not declared for certain reasons. The panel of rest of the candidates was declared on 04.03.1994. The applicant was served with a major penalty charge sheet on 16.04.1996, alleging that the applicant used unfair means in the said written examination and was imposed penalty on 22.06.1998. The Appellate Authority enhanced that punishment vide Order dated 29.12.1998. Aggrieved of it, the applicant filed O.A. No. 573 of 1999, which this Tribunal decided on 03.03.2004, setting aside the punishment order as well as appellate order. The inquiry was again held and vide order dated 02.08.2004, the Disciplinary Authority again imposed the same punishment but, the Appellate Authority exonerated the applicant vide order dated 14.10.2004. Thereafter, the applicant made application for declaration of his result and for promotion etc. with all consequential benefits. It is said that the Divisional Railway Manager vide his Order dated 24.06.2005 sent all the papers to the Divisional Railway Manager, Agra. Since then the papers are

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lying with Divisional Railway Manager, Agra. He is pressing for original papers, which are probably with the Vigilance cell.

3. In their reply, the respondents have not disputed the fact that the applicant has since been exonerated in departmental inquiry, as alleged by him, and Divisional Railway Manager, Jhansi has sent the true copies of the relevant papers to Divisional Railway Manager, Agra for declaration of result of written examination and for onwards action. In this connection, reference to paragraph No.22 of the reply may be made.

4. So this O.A. has to be decided by giving direction to Divisional Railway Manager, Agra, as there remains nothing to be decided by this Tribunal on merits.

5. The O.A. is accordingly disposed of with direction to the Divisional Railway Manager, North Central Railway, Agra to declare the result of written examination of 1992 of the Scheduled Caste candidates, within a period of two months from the date a certified copy of this Order is received by him and take consequential action accordingly within a period of one month thereafter and in case the applicant is found to have succeeded in the written examination for the purpose of promotion to the post of Clerk, then to give him consequential benefits as per rules.

J. Meeson
Member (A) 28.9.07.

28.9.07
Vice Chairman

/M.M./