

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 3rd DAY OF November 2009)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha Member (A)

Original Application No.1010 of 2005
(U/S 19, Administrative Tribunal Act, 1985)

1. M.P. Srivastava aged about 51 years Son of late K.P. Srivastava, working as Head Goods Clerk in Commercial Control, DRM's Office, Allahabad R/o 23-B/3A Bali Colony, Rajapur, Allahabad.
2. U.S. Singh aged about 29 years son of late Pursottam Singh, working as Head Goods Clerk, N.C. Railway, Mirzapur.
3. A.C. Verma aged about 28 years son of Late S.G. Verma working as Head Goods Clerk, N.C. Railway, Mirzapur.

..... Applicants

Versus

1. Union of India through General Manager, North Central Railway, Headquarters Office, Allahabd.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Sr. Divisional Personnel Officer, N.C. Railway, Allahabad.

..... Respondents

Present for Applicant : Shri Sudama Ram

Present for Respondents : Shri S. Singh

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Sri Sudama Ram, learned counsel for the applicants and Sri Saurabh brief holder of Sri S. Singh, learned counsel for the respondents.



2. As submitted by learned counsel for the applicants, issue involved in this case has already be decided by a co-ordinate bench of this Tribunal in O.A. No.159 of 2005 (Sayed Anish Ahmad Kazmi & Ors Vs. Union of India & Ors.) and O.A. No.160 of 2005 (Waheed Ullah & Ors. Vs. Union of India & Ors.), we have no option except to follow the same.

3. The applicants have been working in higher grade without giving them the benefit of promotion under restructuring scheme. The Tribunal after hearing counsel for parties has directed that the percentage ought to have been worked out in respect of the post held by the applicant.

4. Learned counsel for the respondents invited our attention to the paragraph no.7 of the Supplementary Counter affidavit and submitted that the selection prior to restructuring to fill up 08 vacancies (General-8, SC- Nil, St-Nil) in the category of CGS Grade 6500-10500 has held on 14.12.2002 and 21.12.2003, but the result could not be declared due to administrative reasons and thereafter, the selection was held in GS Grade 5500 - 9000 for 26 vacancies (General-18, SC- & ST- 4) on 03.01.2004 and supplementary written examination was held on 10.01.2003 but it was abandoned and cancelled as per instructions to Railway Board's Circular dated 06.01.2004. As now, the position has been changed and the post have been upgraded in the category of Goods Cadre as on 01.11.2003 and the selection was initiated as per sanctioned strength, and men on roll position, as on 01.11.2003. It is

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submitted that due to unavoidable circumstances, the written examination for the post of GS Grade was held on 01.10.2005 and 08.10.2005 have been cancelled vide order dated 16.03.2007.

5. Accordingly, the applicants are entitled to be considered for up-gradation to the grade of Rs.5500-9000 subject to there being found fit in accordance with the modified procedure and accordance with the provisions of Rule and if so, they are entitled to get all consequential benefits. This exercise may be completed within a period of three months from the date of receipt of certified copy of this order.



Member-A



Member-J

//Sushil//