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RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No. 371 of 1987.

M.M.L. Sobti

....

Petitioner.

Versus

The Railway Board, Rail Bhawan,
New Delhi and others

....

Respondents.

Hon'ble Ajay Johri, A.M.
Hon'ble G.S. Sharma, J.M.

(Delivered by Hon. Ajay Johri, A.M.)

In this writ petition received on transfer from the High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act XIII of 1985 the petitioner, M.M.L. Sobti, has made the following prayers :

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i) ^{Issue of} a direction to the respondents calling for the record of the case quashing the selection for the post of Chief Controller, Grade Rs.840-1040 including all proceedings in that connection.

ii) ^{Issue of} A suitable direction commanding the respondents to restrain from holding the selection and declaring and implementing the result.

iii) ^{Issue of} a direction to the respondents to include the name of the petitioner at the appropriate place in the light of his seniority as one of the eligible candidates for selection to the post of Chief Controller and permit him to participate in the selection.

iv) ^{Issue of} a direction to the respondents to finally dispose of the question of seniority including the representation of the petitioner before proceeding further with the selection for the post of Chief Controller.

v) Issue of a direction calling for the records of the case and quashing the selection held on 10.12.79 including the orders of posting dated 2.2.1980 and to give consequential promotion to the petitioner and

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if he is retired by that time to pay the difference of the arrears of salary to the petitioner.

2. In Registration (T.A.) No. 273 of 1987, Madan Mohan Lal Sobti v. The Railway Board, Rail Bhawan, New Delhi & others, which was a writ petition also received on transfer from the High Court of Judicature at Allahabad, the petitioner had prayed for the correction of his seniority and grant of consequential reliefs which have been denied to him due to administrative errors. In this petition he had claimed the following reliefs :-

- i) Issue of a direction calling for the record of the case and quashing the order dated 15.5.1978 promoting B.P. Singh as Chief Controller.
- ii) Directing the respondents to promote him as Chief Controller on the basis of seniority and pre-requisite qualifications.
- iii) Directing the respondents to correct his seniority in the grade of RTA and Section Controllers with effect from 1960 and place him at Sl.No. 3 instead of Sl.No.83.
- iv) Issue ^{of} a direction to the respondents to make proforma fixation with all consequential benefits and for the payment of arrears due to the petitioner against the post of Deputy Chief Controller for the periods during which he had worked.
- v) Issue of a direction to pay him for leave earned by him while working as Deputy Chief Controller during June,1973 to May,1975, and
- vi) Issue of a direction calling for the record of the case and quashing the order dated 4.8.1978.

3. We have heard the learned counsel for the parties and it was submitted before us by the learned counsel for the parties that the reliefs claimed in this petition are similar and related to the reliefs prayed for in Registration (T.A.) No. 273 of 1987, which has been decided by this Tribunal in March,1988. This petition, therefore,

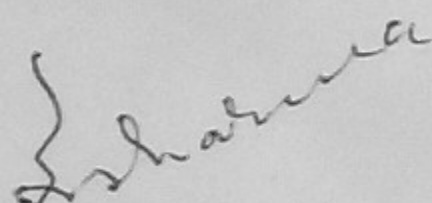
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should also be governed by the decisions of this Tribunal in Registration (T.A.) No. 273 of 1987.

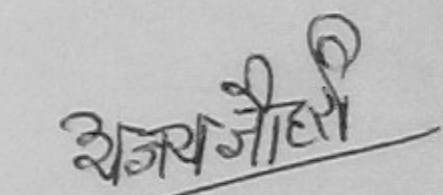
4. In Registration (T.A.) No. 273 of 1987 this Tribunal had rejected the petition except for giving a direction to the respondents to decide the representation made by the petitioner which was pending with them and the payment of the officiating allowance for the periods from 1973 to 1975 which had not been paid on the pretext that the post on which the petitioner continued to officiate was not vacant. The petition was dismissed except for these directions.

5. In view of the orders of this Tribunal in that petition and the submissions made by the learned counsel for the parties the judgment and observations made by this Tribunal in Registration (T.A.) No. 273 of 1987 will squarely apply to this petition as well. Under the circumstances of the case this writ petition is dismissed with no order as to costs.


MEMBER (J).

Dated: August 17th, 1988.

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MEMBER (A).