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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
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Dated : Allahabad this the 8th day of April, 1996.

CORAM : Hon'ble Mr. T. L. Verma, Member-J
Hon'ble Mr. D. S. Baweja, Member-A

Original Application No. 306 of 1988
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Bhanu Ram, son of Raghunandan, Trains Clerk,
under the Station Superintendent, Eastern
Railway, Moghalsarai.Applicant.

(THROUGH ADVOCATE SRI S.K.DEY)

V E R S U S

1. Union of India, through the General Manager,
E. Rly, 17, Netajee Subhash Road, Calcutta-1.
2. The Divisional Personnel Officer (I/C)
E. Rly, Moghalsarai.

.....Respondents.

(THROUGH ADVOCATE SHRI A. V. SRIVASTAVA)

O R D E R (oral)

(By Hon'ble Mr. T. L. Verma, Member-J)

In this application under Section 19 of the
Administrative Tribunals, Act, 1985, the applicant
seeks a direction to the respondents to assign seniority
to him w.e.f. 7.7.1977 and consider him for due promotion
as per his seniority with all consequential benefits.

2. The applicant entered in the Railway Service
on 2.2.1966. He was called for suitability test for appoint-
ment on the post of Trains Clerk and on being found suitable,
he was promoted to officiate on the said post against 33 $\frac{1}{3}$ %
departmental quota ~~and~~ with effect from 7.7.1977. He has

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continued to work on the said post continuously since then to the satisfaction of all concern. Apprehending reversion from the said post, he filed O.S.No. 764 of 1983 in the Court of Munsif, Varanasi. The said suit was decreed by order dated 9.7.1985. Appeal filed by the respondents against the judgment and decree dated 9.7.1985 in the Court of District Judge, Varanasi was transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985, for disposal. ^{The Appeal.} ~~was~~ registered as T.A.No.61 of 1986. The appeal filed by the respondents was dismissed by order dated 14.4.86. Thereafter he submitted representation on 22.12.1986 and 28.7.1987 to the appropriate authority to assign ~~him~~ to him seniority on the post of Trains Clerk w.e.f. 7.7.1977 and consider him for promotion to higher grade of Trains Clerk. Despite assurance given, ^{it is stated} ~~the~~ respondents have neither assigned him due seniority nor considered him for promotion to the higher grade. Hence this application for the relief mentioned above.

3. The respondents have appeared and contested the case of the applicant. In the written reply filed on behalf of the respondents, it has been stated that the application is barred by limitation and also that the applicant was never found suitable for the post of Trains Clerk and that when he appeared at the written test for the ^{said} ~~post of Trains Clerk~~ ~~xxxx~~, against promotional quota, held on 20.6.1982 he failed. Hence he has no case for action in this application.

4. The applicant filed copy of order dated 22.3.86 ^{communicated} ~~xxxx~~ by the Station Superintendent. From the perusal of the aforesaid order ~~xxx~~ it appears that the service of the applicant on the post of Trains Clerk grade Rs. 950-1500 (R.P) has been regularised with effect from 1.7.1977.

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The learned counsel for the respondents was allowed time to seek instructions regarding authenticity of letter annexed to Misc. Application No. 299/96 by filing Supplementary Counter-affidavit. No Supplementary Counter-Affidavit controverting the authenticity of the said letter has been filed. We have, therefore, no reason to disbelieve the same.

5. In view of the fact that services of the applicant as Trains Clerk in Grade Rs. 950-1500/- (R.P.) has been regularised with effect from 01.07.1977, the relief claimed by the applicant has substantively been allowed. The learned counsel for the applicant, however, stated at the bar that despite the aforesaid order, the name of the applicant has not been interpolated in the seniority list and also that he has not been considered for promotion to higher grade of Trains Clerk.

6. In view of the above we consider it appropriate to dispose of this application with direction to the respondents to interpolate the name of the applicant at the appropriate place in the seniority list of Trains Clerk, and consider him for promotion to the higher grade of Trains Clerk in his turn according to his seniority with all consequential benefits. This direction be complied with within a period of three months from the date of communication of this order. There shall be no order as to costs.

S. Pandey
MEMBER (A)

J. H. Sharma
MEMBER (J)

Dated : Allahabad April, 8, 1996.

(Pandey)