

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF JANUARY, 1996

Review Application No. 106 of 1995

In

Original Application No. 820 of 1992

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER(A)

V.K. Gupta, I.O.W.(Special)  
Prayag, Allahabad

.... Applicant

BY ADVOCATE SHRI R.R. SRIVASTAVA

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager Northern Railway, Allahabad.
3. The Senior Divisional Personnel Officer, Northern Railway, Alld.
4. The Divisional Railway Manager Northern Railway, Allahabad

.... Respondents

C R D E R

JUSTICE B.C. SAKSENA, V.C.

This review application is directed against our order dated 31st August, 1995 passed in O.A. No. 820/92. The applicant had filed the O.A. to challenge a letter dated 22.4.92 issued by the D.R.M., Allahabad to D.R.M. Lucknow rejecting the claim of the applicant for the grant of benefit of promotion as I.O.W Gr.II in the scale Rs.550-750 from 1.1.84 as a result of restructuring. In our order we had considered in detail the pleadings of the parties and his we had taken the view that the applicant had sought/transfer from Allahabad to Lucknow Division due to some domestic reasons. His request was accepted and he was transferred

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wide order dated 23rd March 1994 to the Lucknow Division, on the bottom seniority as per rules. The restructuring of the cadre was provided by a letter dated 1.5.84 with retrospective effect from 1.1.84. We, in our order dealt with the applicant's claim in detail. He claimed that since the crucial date viz 1.1.84 the applicant was working in the Allahabad Division he was entitled to the restructuring. This plea was refuted by the respondents on the ground that the applicant's request for transfer could not have been ~~accused~~ since transfer would be <sup>in</sup> the initial grade of the cadre on bottom seniority. We had also held that though the upgrading is with retrospective effect, there is no automatic consideration. It takes time and the orders were passed in 1986 and the applicant had gone out of the cadre of I.O.W Gr.III of the Allahabad Division and his case for upgradation could not have been considered by issuing order in 1986.

2. In the review application a plea has been taken based on a letter of the Railway Board dated 22.8.86. It has been indicated that the applicant was not aware of the said letter. Copy of the said letter has been annexed along with the application.

3. We have gone through the contents of the said letter and are not persuaded that it calls for review of our order. The said letter does not deal with the situation obtained in the present case. Since if the applicant had been given the benefit even notionally of upgradation his request for transfer to Lucknow Division would require

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cancellation for the reason that transfer on his own request can be to the initial grade and not ~~subsequent~~ in intermediate grade. There is no ~~grammatical~~ merit in the grounds taken in the review application, which is accordingly rejected.

*W.C.*  
Member (A)

*Bob Johnson*  
V.C

Dated: 9th January, 1996