

OPEN COURT  
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 21st day of January, 2000

Original Application No. 41B of 1992

District : Jhansi

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

P.G. Mutatkar

S/o Shri G.G. Mutatkar

R/o 36/17, Chandrabhan Compound,  
Signalpura, Jhansi.

(Sri R.K. Nigam, Advocate)

. . . . . Applicant

Versus

1. Union of India through General Manager,  
Central Railway, Bombay V.T.

2. Divisional Railway Manager,  
Central Railway, Jhansi.

(Sri GP Agrawal, Advocate) . . . . . Respondents

ORDER (Oral)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed for issuance of a direction to the respondents to give benefit of the Hon'ble Supreme Court's judgement in Civil Appeal No.3434 of 1984 in letter and spirit and also to give financial benefits to the applicant as Head Clerk/Office Supdt. Grade II and Grade I. The applicant has also sought a direction to the respondents to give higher rate of pay than his junior counterpart Shri Hari Har Tripathi and also to give him the benefits of stepping up and subsequent benefits of consequential arrears of pension, gratuity and funds etc.

2. The applicant has mentioned that there were

three independent divisions under the respondents. But the staff was borne on a common seniority list till August, 1996. From 1-9-1956, these departments were separated from each other on introduction of divisionalisation in the Railway and they became independent units. This continued till 31-7-1979. From 1-8-1979 all the three departments were reamalgated with regard to staff and a common seniority list was introduced by the respondents which was challenged by the applicant before the Hon'ble Court but the writ petition was dismissed. An Appeal was preferred to the Apex Court by three applicants including the applicant in this case and the Apex Court allowed the Appeal and held that the applicant, one Sri G.P. Sharma and Sri R.R. Ansari senior were ~~senior~~ to Sri Hari Har Tripathi, P.W. Bhatia, L.N. Sarswat and M.V. Ringe. The seniority list as drawn after amalgamation was set aside by the Apex Court. The seniority list was re-drawn pursuant to the judgement of the Apex Court and was circulated by the order dated 8-5-1986 in which the applicant was shown senior to Sri Hari Har Tripathi, P.W. Bhatia, L.N. Sarswat and M.V. Ringe. The applicant has claimed that accelerated promotions were given to Sri Hari Tripathi, Sri P.W. Bhatia, L.N. Sarswat and M.V. Ringe and that he should be given relief on the basis of seniority as re-drawn.

3. Arguments of Sri U. Nath, briefholder of Sri R.K. Nigam, counsel for the applicant and Sri G.P. Agrawal, counsel for the respondents have been heard.

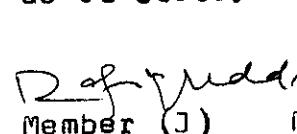
4. The learned counsel for the respondents has placed reliance on the judgement of this Tribunal in OA No. 983/1990 dated 9-4-1999 in which a similar relief was claimed by the applicant and the Tribunal after analysing the evidence had come to the finding

that the applicant was not entitled for the relief of stepping up of pay claimed by him. This conclusion has been arrived at by the Tribunal because Sri Hari Har Triapthi had become Head Clerk earlier than the applicant and, therefore, his pay in the subsequent cadre remained higher than that of the applicant and the applicant in that case was not entitled to stepping up.

5. We concur with the order of the Tribunal with regard to stepping up of pay in case of the applicant in this case also.

6. As regards promotion to the post of Office Supdt. Grade I & II, the applicant has merely given date when his promotion was due in his OA. He has not mentioned that any person junior to him has been promoted. We find from the order in OA No. 983/1990 dated 9-4-1999 (supra) that the applicant was promoted to the post of Office Supdt. Gde I earlier than Sri Hari Har Tripathi. The date of promotion of the applicant has been given as 11-8-1986 while that of Sri Hari Har Tripathi is 11-11-1986. Therefore, there is no reason to infer that the judgement of the Apex Court had not been acted upon by the respondents with regard to promotion to the post of Office Supdt. Gde II and also the fact that the applicant has neither <sup>l taken</sup> action for contempt of Apex Court's order nor sought any clarification from the Apex Court makes it clear that he has no cause of action.

7. We, therefore, find no merit in the OA and the OA is dismissed with no order as to costs.

 Member (J)  Member (A)

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