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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21st DAY OF MAY, 2001

Original Application No. 716 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA,MEMBER(A)

1. C.P.Chauhan, working as Senior Publicity Inspector, office of the Chief Public Relations Officer North Eastern Railway, Gorakhpur.

2. Rajendra Singh, working as Senior Publicity Inspector, office of the Chief Public Relation Officer , North Eastern Railway, Gorakhpur

3. Suresh Tewari, working as Senior Publicity Inspector, office of the Chief Public Relation officer, N.E.Railway, Gorakhpur.

4. Sheo Prasad Mishra, working as Chief Publicity Inspector, office of the Chief Public Relation Officer, N.E.Railway Gorakhpur.

5. A.P.Mishra, working as Chief Publicity Inspector, office of the Chief Public Relations Officer, N.E.Railway, Gorakhpur.

... Applicants

(By Adv: Shri Sanjay Kumar)

Versus

1. Union of India through General Manager,N.E.Railway, Gorakhpur

2. Chief Personnel Officer, N.E.Railway Gorakhpur.

3. Chief Public Relation Officer, N.E. Railway, Gorakhpur.

4. Alok Srivastava, Videographer, office of the Chief Public Relation Officer N.E.Railway, Gorakhpur.

... Respondents

(By Adv: S/Shri V.K.Goel/S.N.Srivastava)

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Along with

Original Application No.1756 of 1994

1. Alok Kumar Srivastava, son of Shri Chandradev Lal Srivastava, R/o 485, Purdilpur, near Shshu gyanmandir school, Gorakhpur at present working as Vedeo Operator cum photographer, Public Relation Officer's office, N.E.Railway, Gorakhpur.

... Applicant

(By Adv: Shri S.N.Srivastava)

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.

2. Chief Personnel Officer, North Eastern Railway, Gorakhpur.

3. Chief Public Relation Offic er, North Eastern Railway, Gorakhpur.

4. General manager(P), North Eastern Railway, Gorakhpur.

5. C.P.Chauhan, working as Chief Publicity Inspector in the office of Chief Public Relation Officer, N.E.Railway,Gorakhpur.

6. Rajendra Singh, working as Chief Publicity Inspector, in the office of Chief Public Relation Officer, N.E.Railway Gorakhpur.

7. Suresh tewari, working as Chief Publicity Inspector, Office of Chief Public Relation Officer N.E.Railway, Gorakhpur

8. Sheo Prasad Misra,.working as Public Relation Officer(Ad hoc) in the office of Chief Public Relation Officer, N.E.Railway Gorakhpur.

... Respondents

(By Advs S/Shri V.K.Goeal & Sanjay Kumar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

The facts giving rise to these applications are that respondent no.4 Alok Srivastava was serving as Video Operator. By the impugned order dated 6/11/8.1992 his lien

was transferred ~~from~~ to Public Relation department ~~to~~ from another department known as Video Operator in operating branch. By this transfer applicants apprehended that their chances for promotion to the next higher post i.e. Public Relation Officer shall be jeoparadised. Consequently, they filed OA No.716/93. Respondent no.4 Alok Srivastava also apprehended that his name may be deleted from the list of eligible candicates to the next post of promotion hence he filed OA 1756/94 praying for direction not to remove his name from the list.

The learned counsel for the parties have not disputed that Railway board by a subsequent order dated 27.5.1997 made it clear that rule position is very clear and Sri Alok Srivastava cannot be considered for promotion to Group 'B' post of Public Relation Officer. The order may be reproduced below for convenience:

> "It is not understood how the name of Sri A.K.Srivastava figured in the integrated seniority list prepared for consideration for promotion to the Group 'B' post of PRO when Video-Operator-cum-photographer is not even eligible for promotion to the Group 'B' post of PRO as per relevant Recruitment Rules. In any case the rule position in this regard is very clear, which do not require any further elucidation in the matter."

Thus, the relief claimed by the applicants in the OA has been granted by Railway Board. Shri S.K.Om however submitted that in subsequent list of eligible candidates names of apaplicant no.1 & 2 have not been included and they are ~~agreed~~ aggrieved by the same. We have considered this aspect of the matter and we find that applicant no.1 C.P.Chauhan and applicant No.2 Rajendra Singh were not

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eligible for being included in the list but another candidate junior to them was included in the list, ~~when~~ hence they were also included on the ground of parity in subsequent list. However, the name of the candidate on whose basis applicants no.1 and 2 were included, has not been included in the list. Thus, the claim of applicants 1 and 2 is without any substance and they are not entitled for any relief in this connection.

So far petitioner of OA No.1756/94 is concerned, as the Railway Board passed order on 27.5.1997 clarifying the rule position and stating that he could not be within the eligibility list for promotion to the Group 'B' post of PRO, but this order has not been challenged by him. It appears that under rule his claim for the promotion to the post of PRO is not justified.

For the reasons stated above, both the petitions are dismissed. There shall be however no order as to costs.

MEMBER(A) VICE CHAIRMAN

Dated: 21.5.2001

Uv/