

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 21st day of August, 2000

Original Application No. 164 of 1994

District : Varanasi

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

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

1. Vidya Sagar S/o Sri Ram Chandra.

2. Sri Mohd. Fazal S/o Mohd. Vasi Uddin,

both working as Skilled Gr. II under  
Asst. Engineer (C.S.P.) Khalispur,  
Varanasi.

(Sri Anand Kumar, Advocate)

..... Applicants

Versus

1. Union of India through  
General Manager,  
Northern Railway, Baroda House,  
New Delhi.

2. Deputy Chief Engineer (C.S.C.)  
Khalispur, Varanasi.

3. Asst. Engineer (C.S.C.)  
Khalispur, Varanasi.

(Sri A.K. Gaur, Advocate)

..... Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. Rafiquddin, J.M.

The applicants have sought the direction to be issued to the respondents to pay them the salary of the scale of Grade II from the date of their promotion w.e.f. 19-10-1992 alongwith arrears.

2. The applicants ~~are~~ working as skilled grade III. in the pay scale of Rs.950-1500, ~~and~~ claim that they had been promoted by the respondents as Skilled

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Grade II in the scale of Rs.1200-1800 vide order dated 19-10-1992 contained in Annexure-A-2 this OA. The impugned order was passed after the applicants were trade tested on 19-10-1992 in which they were declared ~~unsuccessful~~ ~~pass~~. The promotion order was duly approved by the competent authority and since then they have been working as Skilled Grade-II under the control of respondent nos.2 and 3. The grievance of the applicant is that since the date of their alleged promotion they are not being paid salary of Skilled Grade II for the reasons best known to the respondents. The applicants represented personally and also through written representation to the respondents but the respondents paid no heed and hence they have filed the present OA.

3. The case of the respondents as disclosed in the counter reply is that the applicants were never promoted to Skilled Grade II from Skilled Grade III. According to the respondents the promotion letter dated 19-10-1992 (Annexure-A-2) was never issued to any one from the office of the respondents. It is, however, admitted by the respondents that the letter dated 19-10-1992 is available on the office file but the promotion order could not be circulated because of serious dispute in the matter of seniority. The respondents have alleged that the promotion letter in question was procured by the applicant unauthorisedly in collusion with some officials. Since the applicants have never worked as Skilled Grade II, ~~and~~ they have not been paid salary of Skilled Grade II.

4. Heard counsel for the parties and perused the record carefully.

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5. The claim and relief of the applicant is based on the alleged promotion order dated 19-10-1992, a copy thereof is Annexure-A-2. Learned counsel for the respondents have contended that the promotion order in question was never issued. We find from the pleadings of the applicant also that it has nowhere been pleaded that the promotion order in question was ever received by them officially. Even in their rejoinder affidavit the assertions of the respondents have not been specifically denied by them. It is, therefore, not established that the promotion order was ever officially issued to the applicants or was given effect. The respondents have given reasons for not implementing the order in question as the pendency of the seniority disputes among the officials. The reasons given by the respondents appear to be reasonable and convincing. Thus, in the absence of any promotion order, the applicants have made no case for such direction as claimed by them. We are also convinced from the arguments that had any promotion order been issued by the respondents, there was no reason for not to pay salary to the applicants for the promotion post in new scale.

6. That counsel for the respondents has stated at bar that action regarding promotion of the applicants was held up as the present OA was pending. Thus, the process of promotion to the applicant has been delayed due to pendency of the present OA.

7. That in view of what has been discussed above, we do not find any merit in the present OA and the same is liable to be dismissed. However, since no further action could be taken by the respondents due to pendency of the present OA, we find it desirable

to direct the respondents to complete the process of promotion of the applicant, and other officials after settling seniority disputes within a period of three months from the date of communication of this order. In case the applicants are found suitable for promotion, fresh promotion order shall be issued and the applicants will be entitled for salary in the new scale from the date of their promotion. There shall be no order as to costs.

S R Ramreddy  
Member (A) Member (J)

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