

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

ORIGINAL APPLICATION NO. 1444 of 1994.

TUESDAY, THIS THE 3rd DAY OF SEPTEMBER, 2002.

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

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

Karam Chand

Aged about 48 years,

S/O Shri Bhagwan Das,

R/O Mohalla-Shakti Colony,

P.O.-Arogya Mandir, Basaratpur, Gorakhpur.

working as chief advertising Inspector


in the office of chief commercial Manager,

North Eastern Railway, GORAKHPUR.

....Applicant

Counsel for the applicant: Shri K.C.Sinha.

Versus

1. Union of India through Secretary
Ministry of Railways,
Railway Board (Rail Bhavan)
Government of India, New Delhi.
2. General Manager,
North Eastern Railway, Gorakhpur.
3. Chief Personnel Officer,
North Eastern Railway, Gorakhpur.
4. Chief Public Relation Officer,
North Eastern Railway, Gorakhpur.
5. General Manager,
Diesel Locomotive Works, Varanasi.
6. Sri B.Ram, Public Relations Officer,
North Eastern Railway, Sonapore.
7. Sri B.N.Singh, Ad Hoc Public Relations
Officer, North Eastern Railway, Gorakhpur. 

8. Sri R.C.Lal Srivastava,
 Ad Hoc Public Relations Officer,
 Working under the General Manager,
 Diesel Locomotive Works, Varanasi.

.....Respondents.

Counsel for the respondents: Shri A.V. Srivastava.

ORDER

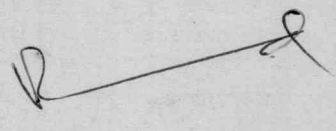
By Mr. Justice R.R.K. Trivedi, Vice Chairman.

M.A. NO. 2651/02 has been filed by respondents along with supplementary reply, where-in it has been stated that applicant has been promoted from Group 'c' to Group 'B' post as Assistant Commercial Manager by order dated 17-9-2001 and thus the OA has been rendered infructuous. Applicant has also filed M.A. NO. 2509/02 where-in it has been prayed that supplementary affidavit may be accepted and he may be allowed to carry out amendment in the OA and the relief clause 8(ii) may be allowed to be added. The relief now claimed by applicant is that he may be granted seniority in ACM cadre from 9-8-89 including the monetary benefits of being promoted on the post of ACM on 9-8-1989.

2. After hearing counsel for the parties we are of the opinion that as the applicant has got the substantial relief of promotion and he has been promoted to Group 'B' post, this OA has been rendered infructuous. However, the question remains about the seniority of the applicant. It is not disputed by parties that during this period the regular promotion to the post of Assistant Commercial Manager

have been
~~was~~ not done by the respondents. Thus any Ad Hoc chance or

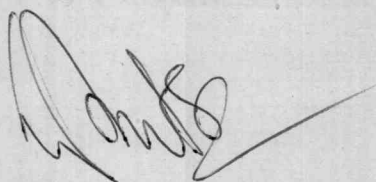
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officiating chance given to work on the Group 'B' post, cannot be counted for the purpose of seniority. In any view of ^{now after promotion of applicant} the matter, the question of seniority has to be re-determined by respondents after considering all the facts and circumstances and also after hearing the concerned parties.

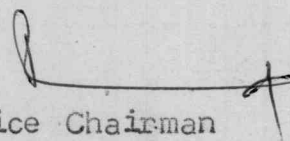
3- For the reasons stated above we are dispose of this OA finally with a direction to respondents No. 3 Chief Personal Officer, North Eastern Railway, Gorakhpur to consider and decide the, question of seniority in the cader of ACM in accordance with rules. There will be no order as to costs.

4- The applicant shall file a copy of judgement, alongwith his representation within two weeks.



Member (A)

madhu/



Vice Chairman