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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 23rd day of April 2001.

Original Application no. 1613 of 1994.

Hon'ble Mr. S.K.I. Naqvi, Member-J
Hon'ble Mr. S. Biswas, Member-A

Zainul Abidin,
C/O Iqbal Ahmad,
Bhagwan Das Ka Katra,
Village and Post Office Rasra,
Ballia.

... Applicant

Sri S.C. Sriwastava

Versus

1. General Manager, North Eastern Railway,
Gorakhpur.
2. D.R.M. North Eastern Railway,
Varanasi.

... Respondents

C/Rs. Sri A.K. Gaur

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O R D E R (Oral)

Hon'ble Mr. SKI Naqvi, Member-J.

The applicant has come up seeking relief to the effect that the respondents be directed to grant him notional promotion w.e.f. 01.03.1993 as per order dated 26.07.1993 and be granted the grade of Rs. 1680/- basic pay and his retiral benefits be fixed accordingly. Difference in salary be also paid to him.

2. As per applicant's case, while he was working as Carriage Fitter Grade I, Ballia Railway Station under Varanasi Division. It was on 26.7.1993 that he was communicated regarding grant of grade of Draftsman w.e.f. 01.03.1993. His name was placed at sl no. 12 of the list. This order also clearfies that due to pending inquires, the applicant was not ~~been~~ ^{being} given promotion w.e.f. that date. The applicant further goes to mention that an inquiry was pending against him since September 1989 and it was finalised on 23.8.93 by an order exonerating him from the ^{charges} ~~charges~~ framed. The applicant represented the respondents that after his having been exonerated, he be given promotion w.e.f. the date of its approval, but without any success. Therefore, he has come up seeking relief as above.

3. The respondents have contested the case and filed counter affidavit with the mention that the referred

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promotion order was issued alongwith other office orders and the pay of the applicant has already been fixed at Rs. 1680/- w.e.f. 1.3.93 on proforma post and actual benefit has been provided w.e.f. 23.08.93 that is the date when the applicant was exonerated from the charges. Under the circumstances the OA becomes infructuous.

4. Heard Shri Promod Srivastava for the applicant and Shri A.K. Gaur for the respondents and perused the records.

5. It is not in dispute in between the parties that vide notification dated 27.1.93 a list of 19 carriage fitter was issued who were promoted from the scale of Rs. 1320 - 2040 to the scale of Rs. 1400 - 2300 and the name of the applicant has been mentioned at sl no. 12 with a note that because of pendency of charge sheet his promotion has been withheld. It is not in dispute that the inquiry resulted into exoneration of the applicant and he was given promotion w.e.f. 1.3.93 that is from the date when this order dated 27.1.93 (Annexure 1) was given effect. But actual benefits have been provided to the applicant w.e.f. 23.08.1993 when the applicant joined the higher grade post after being so exonerated. With this position in view we find that the applicant cannot claim the benefit from the date he actually did not worked to higher grade post and, therefore, the respondents are quite justified to grant notional promotion to the applicant w.e.f. 1.3.93 and with monetary benefit w.e.f. 23.8.93.

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6. With the above position in view we find their remains nothing for direction to the respondents as prayed for. The OA is decided accordingly.

7. There shall be no order as to costs.

S. Das
Member-A

S. C. Das
Member-J

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