

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 355 of 1994

Allahabad this the 23rd day of May, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.S.K.I. Naqvi, Member (J)

A.K. Pandey Son of Sri Gopal Dutt Pandey, R/o Panchi-
wati Dharampur Gita Watica, Gorakhpur retired as
Commercial Superintendent Grade II (Rs.1600-2660/-)
at Chhapara Kautchahari, N.E. Rly. Varanasi.

Applicant

By Advocate Shri B. Tiwari

Versus

1. Union of India through the General Manager,
N.E. Railway, Gorakhpur.
2. D.R.M., N.E. Railway, Varanasi.
3. Mr.Vijai Ram, Senior D.C.M., N.E. Railway,
Varanasi.

Respondents

By Advocate Shri A.K. Gaur

O_R_D_E_R (Oral)

By Hon'ble Mr.S. Dayal, Member (A)

This application has been filed for seeking
a direction to the respondents to give promotion to
the post of Commercial Superintendent Grade II w.e.f.
30.6.84 or 07.5.85 and in the scale of Commercial
Superintendent Grade I of Rs.2000-3200 w.e.f.31.8.89.
Gratuity has also been claimed with 15% interest for
non-payment as well as delayed payment.

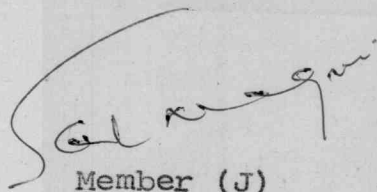
2. The case of the applicant is that he joined services as Booking Clerk on 25.8.55, was promoted as Senior Booking Clerk w.e.f.27.12.66 and was further promoted as Head Booking Clerk w.e.f. 01.1.1984 in ^{under} restructuring scheme. Thereafter he received promotion as Commercial Superintendent Grade II w.e.f. April, 1991 in the scale of Rs.1600-2660. He claims that his juniors were promoted as Commercial Superintendent Grade II w.e.f. 30.6.1984 and named Mr.Mohd.Ali Ansari and Shiva Nand Singh in this connection. He claimed that his name is at serial no.22 in the seniority list dated 01.4.1967 while ShrinMohd.AliAnsari and Shri Shiwa Nand Singh are placed at sl.no.32 and 30 respectively. He states that his junior namely Shri Shiwa Nand Singh and Shri Mohd.Ali Ansari were promoted on 27.7.1987 and 07.5.1985 respectively. He stated that he was issued a charge sheet for major penalty in which he was exonerated. He states that his junior namely Shri Shiwa Nand Singh and Shri Mohd.Hanif were further promoted to the scale of full Rs.2000-3200 on 31.8.1989. He claims that his D.C.R.G. was not paid after his retirement on 30.4.1993 and Rs.20,000/- were withheld out of D.C.R.G. The applicant by way of an afterthought has incorporated sub para-13 to para-4 in the O.A., in which he has stated that by order dated 28.6.1993, junior of the applicant Mr.Harish Chandra was given promotion by way of restructuring, but the applicant was denied the benefit. The applicant seeks promotion from 01.3.1993 on account of restructuring.

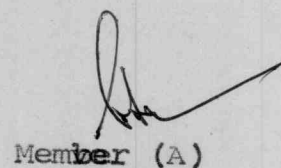
3. We have heard Shri B. Tiwari for the applicant and Shri A.K. Gaur for the respondents.

4. The main issue in the context of the prayer made at the time of hearing by learned counsel for the applicant is that relief may be granted to the applicant for promotion to the scale of Rs.2000-3200/- in Commercial Superintendent Grade I, as per Fourth Pay Commission Pay scales.

5. The respondents in their counter.reply have stated that the promotion of the applicant w.e.f. 01.3.1993 in scale of Rs.2000-3200/- on the basis of modified selection after restructuring was under consideration before the competent authority. The respondents were granted time to bring on record the outcome of such consideration. It appears that the respondents have failed to bring the same on record. It is not even known whether they have passed any order after consideration.

6. In view of this situation, we direct the respondents to consider the applicant for promotion to the scale of Rs.2000-3200/- on the basis of modified selection after restructuring, if the applicant is found eligible and if such consideration has not already been ~~done~~, same be done within a period of 3 months from the date of receipt of copy of this order. In case a decision has already been arrived at ^{the} same shall be intimated to the applicant within this period. The O.A. stands disposed of accordingly. No cost.


Member (J)


Member (A)