

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(1)

Original Application No. 375 of 1994

Allahabad this the 02nd day of December, 1999

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

1. Anil Kumar Jaiswal, S/o Shri Shiv Kishor Jaiswal, Sr. Clerk, Engg. Branch, R/o 10/1 Khuldabad, Allahabad.
2. Rustom Singh S/o Sri Sagar Singh, Sr. Clerk, R/o Rly. Qr. No.437 A' Rest Camp Tundla, District Firozabad.
3. Vinay Kumar Gupta, Sr. Clerk S/o Sri Manik Chandra Gupta R/o 13 Sarai Khuldabad, Allahabad.
4. Ratnesh Chandra, Sr. Clerk S/o Sri R.S. Verma, R/o 109 F Beniganj, Allahabad.
5. Iftikhar Ahmad, Sr. Clerk S/o Sri Sher Ahmad, R/o 1/3 B, Yaqutganj, Allahabad.
6. Km. Sutapa Guha, Sr. Clerk D/o Late S.C. Guha, R/o Lukerganj, Allahabad.
7. Moizudding, Sr. Clerk S/o Sri Majeeduddin & Dr. F.K. Siddiqui, C-3 Gulab Bari Colony, Allahabad.
8. Kameshwar Prasad Srivastava, Sr. Clerk S/o Sri J.P. Srivastava R/o 55/7B, Bawali, Allahabad.
9. Santosh Kumar Rai, Sr. Clerk S/o Sri S.N. Rai, R/o 88 CRN Railway, Loco Colony, Allahabad.
10. Smt. Manorama Kumari, Sr. Clerk W/o Sri Ravindra Kumar R/o 40 Shahi Noor, Aliganj, Allahabad.

Applicants

By Advocate Shri A.K. Sinha

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1. Union of India through the Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Allahabad.

Respondents

By Advocate Shri V.K. Goel

ORDER (O.R.A L)

By Hon'ble M. S. K. I. Naqvi, Member (J)

The applicants have come up for the relief to get their proforma fixation of salary and seniority from their respective dates of appointment as Clerks or in the alternative from the date, the vacancies against 13.33 quota arose from 01.11.1983 onwards till the finalisation of the selection with all the consequential benefits.

2. The applicants have mentioned various dates of their appointment in para-4(i) of the application, according to which, applicant no.1 to 10 were appointed on 27.9.84, 27.7.82, 22.12.84, 01.5.87, 18.11.90, 23.9.87, 26.11.87, 14.12.87, 29.12.87 and 16.1.89 respectively. As per their case, they have not been given the benefit of provisions in the departmental circulars which are annexed as annexures-A 1, A-2 and A-3 to the O.A.

See page 3-

3. The respondents have filed their counter-affidavit and mentioned there that the applicants have been allowed the benefit of salary as well as the seniority as per their entitlements.

4. In the rejoinder, the plea taken by the applicants in the O.A., have been reiterated.

5. Heard, the learned counsel for the rival contesting parties and taking into consideration the law handed down in Smt. Anuradha Mukherji's case, J.T.1996(3) S.C.576 as well as subsequent review order passed on 24.2.1999 in this case by the Hon'ble Apex Court, in which it has been held that the proforma promotion would count only for the purpose of the computation of pension and the concerned employees will neither get seniority nor any monetary benefit on that score. The present applicants stand on similar footing.

6. Keeping in view the facts of the case and the ratio by the Hon'ble Apex Court in the similarly situated matter, we are of the view that the applicants are not entitled to proforma fixation with effect from the proforma date of October 1st, 1980 but only from the date of their actual appointment as Grade II Clerks notionally as grade I Clerks and their salary shall also be notionally fixed from that date without any financial benefits. To clarify, it is mentioned that they will be entitled

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to notionally fixed salary from the date of their
actual taking over to their respective posts as
Clerk grade I. With the above observations, the
U.A. is decided. No order as to costs.

mBh
Member (A)

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Member (J)

/M.M./