

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 2 day of December 1996.

Original application No. 384 of 1994.

Hon'ble Mr. T.L. Verma, JM
Hon'ble Mr. D.S. Baweja, AM

1. R.K. Kirti, Head Clerk, Works Accounts Branch, D.R.M.'s Office, Allahabad.
2. B.K. Mishra, Head Clerk, Works Accounts Branch, D.R.M.'s Office, Allahabad.
3. Ranjit Tewari, Head Clerk, Works Accounts Branch, D.R.M.'s Office, Allahabad.
4. A.H. Ansari, Head Clerk, Works Accounts Branch, D.R.M.'s Office, Allahabad.
5. S.K. Khera, Head Clerk, Works Accounts Branch, D.R.M.'s Office, Allahabad.
6. Neelam Ketyl, Head Clerk, Works Accounts Branch, D.R.M.'s Office, Allahabad.
7. A.K. Sonkar, Head Clerk, Works Branch, D.R.M.'s Office, Allahabad.
8. Paras Nath Gautam, Head Clerk, Works Branch, D.R.M.'s Office, Allahabad.
9. P.K. Agarwal, Head Clerk, IOW/II/AID's Office, Allahabad.
10. S.K. Srivastava, Head Clerk, Works Branch, D.R.M.'s Office, Allahabad.
11. S.M. Khalid, Head Clerk, Works Branch, D.R.M.'s Office, Allahabad.
12. N.K. Mukerjee, Head Clerk, Works Branch, D.R.M.'s Office, Allahabad.
13. S.M. Dubey, Head Clerk, PWI's Office, Shikohabad.

..... Applicants.

C/A Sri Rakesh Verma



Versus

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

2. The Divisional Railway Manager, Northern Railway, Allahabad.

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3. The Sr. Divisional Personnel Officer,
Northern Railway, Allahabad.

..... Respondents.

C/R Sri J.N. Singh

ORDER (OR.L)

Hon'ble Mr. T.L. Verma, JM

In this application under Section 19 of the Administrative Tribunals Act, the applicant seek a direction to the respondents to treat them to have been promoted against the graduate quota and allow proforma promotion and seniority with effect from 1.10.80.

2. The applicants, who are graduate, were appointed as Clerks grade Rs. 260-400(AS). Thereafter they were promoted to grade Rs. 330-560 after passing departmental examination. The Railway Board by its letter dated 1.10.80, with a view to enlarging the prospect of promotion of clerical grade, issued instructions for restructuring the cadre and upgradation thereof. On the implementation of the above restructuring scheme all graduates working in grade Rs. 260-400 on 30.9.80 became eligible to apply for consideration to the post of Senior Clerk whenever Railway Service Commission undertook to conduct the examination. The examination was, however, not conducted and instead departmental examination was held in 1985. Prior to conducting ~~to~~ this examination, the department held examination for promotion to the post of Senior Clerk against general quota and the applicants appeared at the examination and after passing the same they were posted as Senior Clerk. The Railway Board in consultation with Railway Service Commission directed General Manager

Northern Railway, Baroda House, New Delhi to conduct the examination departmentally and in pursuance of the ^{order} instructions the General Manager, Northern Railway, New Delhi invited application from those serving employees who are graduate and working as clerks in grade Rs. 260-400. The grievance of the applicants is that though they were eligible for consideration for promotion as Senior Clerks against graduate quota, they were not called for selection as they had already been promoted as Senior Clerks in general quota prior to 31.10.83. The candidates who cleared the said examination were absorbed as Senior Clerks against graduate quota and allowed seniority in the cadre of Senior Clerk from the date of joining duties. In the seniority list of clerks grade 380-650, the applicants were shown above those who were selected subsequently in the year 1985. The Senior Clerks who were selected subsequently filed O.A. No. 1405/88 and the O.A. was allowed. In terms of the direction issued in the aforesaid O.A. the applicants of that case were allowed proforma promotion and seniority with effect from 1.10.80. Accordingly the seniority list was revised, and the applicants were placed below ^{them} in the seniority list. The representation filed by them against change of their seniority did not yield any result. Hence this application with the reliefs mentioned above.

3. The controversy involved in this case has been finally settled by Hon'ble Supreme Court in the case of Smt. Anuradha Mukerjee & Oths. in (Civil Appeal No. 1265/96). Therefore there is nothing left for this Tribunal to decide in this application. We, therefore, dispose of this O.A. with a direction that the same will be abide by the decision of the Hon'ble Supreme Court in Smt. Anuradha Mukerjee case. There will be no order as to costs.

D. K. Ray
Member - J

J. Munshi
Member - J