

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1347 of 1995

Allahabad, this the 25th day of November, 2003

Hon'ble Mr. Justice S.R. Singh, V.C.

Hon'ble Mr. D. R. Tiwari, A.M.

Sri Achintya Kumar,
aged about 32 years,
Son of Late Sri Nand Lal Srivastava,
resident of 5-K/17, Bhawapur near
Naya Purwa, Allahabad, at present
posted as Wagon Movement Inspector,
Northern Railway, Allahabad.

.....Applicant.

(By Advocate : Shri B.P.Srivastava
Shri R.K.Pandey.

Versus

1. The Union of India,
through the General Manager,
Northern Railway, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. Sri S.M.Shahid,
Wagon Movement Inspector,
Northern Railway, Allahabad.
4. Sri Satyendra Pratap Singh
Wagon Movement Inspector,
Moghulsarai.
5. Sri Vinay Prakash Tripathi,
Wagon Movement Inspector Juhu Yard,
Northern Railway, Kanpur.
6. Sri Rakesh Chandra Srivastava,
Wagon Movement Inspector,
Northern Railway, Allahabad.
7. Girdhar Gopal,
Vigilance Inspector,
Baroda House, New Delhi.

.....Respondents.

By Advocate : Shri P. Mathur
Shri K.S.Saxena.

O R D E R

By Hon'ble Mr. Justice S.R.Singh, V.C. :

The applicant, a Wagon Movement Inspector,
in the pay scale of Rs.1400-2300, as it stood before
its revision pursuant to the recommendation made by
the Vth Pay Commission, has instituted the instant

original application for the following reliefs;

- "A. that a direction may issue to direct the opposite party no.2 to correctly fix the petitioner's seniority on the post of the Wagon Movement Inspectors in the pay scale of Rs.1400-2300 with effect from 6.11.91 when he was empanelled for the said post.
- B. that a declaration may issue that so long as the petitioner's representation dated 17th Jan, 95 filed before the Divisional Railway Manager, Alld. regarding assignment his seniority in the pay scale of Rs.1400-2300, is not decided, no selection for appointment on the post of Senior Wagon Movement Inspectors in the pay scale of Rs.2000-3200 may be held.
- C. that a declaration may issue that after the petitioner's seniority correctly fixed, he may be given the pay scale of Rs.1400-2300 with effect from 9.6.93.
- D. that declaration may issue which this Hon'ble Tribunal may deem fit and proper in view of the facts and circumstances of the case.
- E. Award the costs in favour of the petitioner."

2. It would appear from the counter-affidavit that the petitioner had preferred a representation dated 27.01.1995 , which was disposed of by order dated 31.01.1996, annexed as annexure C.A.-1. The said order makes it clear that for the consideration of the representation, a Committee was constituted, which recommended that the applicant had already been given the benefit of placement in the panel against the quota of other category i.e. T.N.C./Shunting Master and in the circumstances, it would be against the natural justice to give him any other benefit being a Guard to the panel of W.M.I. grade i.e. Wagon Movement

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Inspector Grade Rs.1400-2300 (RPS). The status quo was accordingly maintained with the approval of the competent authority. The order was sent to the applicant but, the same has not been challenged. ~~ought not have been~~ It is true that the order ~~cannot~~ be passed during the pendency of the O.A. but, the O.A. has not been amended seeking any relief against the order dated 31.01.1996. In the circumstances, therefore, it will not be feasible to grant any of the reliefs claimed in the O.A., same is accordingly dismissed. No order as to costs.

Dhan
Member (A)

RAJ
Vice Chairman

/M.M./