

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 30<sup>th</sup> day of **August, 2006.**

**HON'BLE MR. JUSTICE KHEM KARAN, V.C.  
HON'BLE MR. A.K. SINGH, MEMBER- A**

**ORIGINAL APPLICATION NO. 334 OF 1999**

A.P. Srivastava, S/o Late Yadunath Prasad,  
Rtd. Assistant Personnel Officer, Northern Railway,  
Allahabad Division, R/o 307/ 165/ 7-B, Azad Nagar,  
South Malaka, Allahabad. ....Applicant.

**VE R S U S**

1. Union of India through Chairman,  
Railway Board, Railway Bhawan, New Delhi.
2. General Manager, Northern Railway,  
Baroda House, New Delhi..
3. Chief Personnel Officer, Northern Railway,  
Baroda House, New Delhi.
4. Divisional Railway Manager, Northern Railway,  
Allahabad Division, Allahabad. ....Respondents

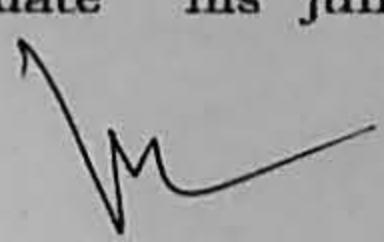
Present for the Applicant: Sri Arvind Kumar  
Present for the Respondents : Sri Prashant Mathur

**ORDER**

**BY HON'BLE MR. JUSTICE KHEM KARAN, VC.**

The applicant has sought the following relief(s) :-

- (i). an order/direction be issued to respondents to release the withheld gratuity and other consequential benefits including promotion from the date his junior was



promoted and proforma fixation of pay in senior scale promoted grade, retrial benefits inclusive of re-fixation of retrial benefits and arrears with interest;

- (ii). An order/direction be issued to respondents to pay the interest on the amount already released on setting aside the punishment by the appellate authority @ 18% per annum on Rs. 26,189.00 from the date the payment was due i.e. 01.08.1994 to the date when payment was arranged;
- (iii). To award the costs of the application.

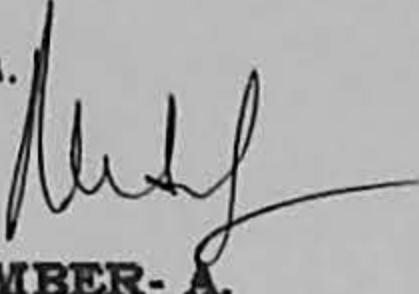
2. The case of the applicant is that while he was working as Assistant Personnel Officer, Northern Railway, Allahabad, in the year 1992, he was served with a memo of charge sheet for the alleged misconduct. He replied the same. Enquiry was conducted and on the basis of the enquiry report, punishment of reduction in the same time scale to the stage of Rs. 2000/- from the stage of Rs. 3150/- was imposed upon the applicant for a period till his retirement. The applicant preferred an appeal from where, the case was remitted back vide order dated 20.02.1997 (Annexure-4 to the O.A). Ultimately all those proceedings culminated in the order dated 14.10.1999, a copy of which has been annexed as SRA-I to the Suppl. Rejoinder Reply. A perusal of the letter dated 14.10.1999 would reveal that the proceedings against the applicant were dropped, but after showing "Govt. displeasure". In other words, except Government's displeasure, no punishment, enumerated in the Railway Servants (Discipline and Appeal) Rules, 1968 was imposed upon the applicant. While the said proceedings were pending, matter relating to promotion to the post of Divisional Personnel Officer (Senior Scale) was considered, in which,

the applicant's case was also considered but since he was facing departmental proceedings, so his case was kept in sealed cover as provided under the rules. The applicant retired from service on 31.07.1994. Learned counsel appearing for the applicant submits that in the said promotion to the post of Divisional Personnel Officer (Senior Scale), his juniors were promoted w.e.f. 01.10.1993 but the applicant could not be promoted for the reasons mentioned above. Learned counsel submits that the disciplinary proceedings did not result in any punishment as enumerated in the Railway Servants (discipline and Appeal) Rules, 1968 and only the Govt. displeasure was shown, therefore, the applicant is entitled for promotion from the date his juniors were promoted to the post of Senior Divisional Personnel Officer (Senior Scale).

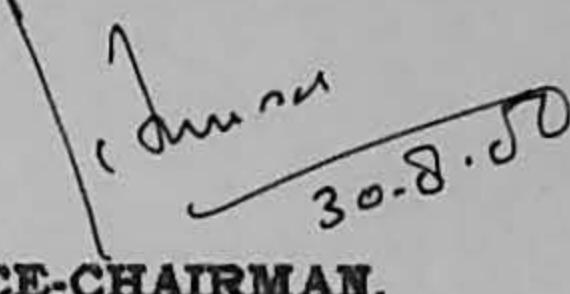
3. Learned counsel for the applicant states that this Tribunal should give direction to the respondents/competent authority to consider the case of the applicant for promotion notionally, from the date his juniors were promoted to the post of Divisional Personnel Officer (Senior Scale). Sri Prashant Mathur, learned counsel appearing for the respondents has not been able to satisfy us as to how the government displeasure alone, as mentioned in the letter dated 14.10.1999, will come in the way of the applicant in getting notional promotion from the date, juniors of the applicant were promoted to the post of Divisional Personnel Officer (Senior Scale). We think that now when the applicant has retired, his notional promotion to the post mentioned above from the date his juniors were promoted to that post, should be given.



4. Accordingly, the O.A is disposed of with a direction to the General Manager, Northern Railway, Baroda House, New Delhi to consider and give notional promotion to the applicant from the date his juniors were given promotion to the post of Divisional Personnel Officer (Senior Scale) with all consequential retiral benefits within a period of four months from the date a copy of this order is produced before him. No costs.



MEMBER-A.



30.8.50  
VICE-CHAIRMAN.

/ANAND/