

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1249 OF 1999  
ALLAHABAD THIS THE 16TH DAY OF DECEMBER, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

HON'BLE MR. S. C. CHAUBE, MEMBER-A

Virendra Kumar Purohit,

aged about 53 years,

S/o Late Shri Shiv Shankar Purohit,

R/o 171, Basudev Mohalla,

Bada Bazar, Jhansi.

. . . . . Applicant

( By Advocate Shri R. Verma )

Versus

1. Union of India,  
through the General Manager,  
Central Railway,  
Chhatrapati Shivaji Terminus,  
Mumbai.
2. The Chief Works Manager,  
Central Railway,  
Jhansi.
3. The Shop Superintendent (Works),  
Central Railway,  
Jhansi.

. . . . . Respondents

( By Advocate Shri G.P. Agarwal )



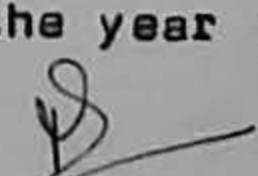
By this O.A. applicant has sought the following reliefs:-

"(i) To issue a writ, order or direction in the nature of certiorari quashing Office Order No. 114/98 dated 14.5.1998 passed by the respondent no.2 so far as it relates to the petitioner directing the respondent no.1 and 2 to give effect of the promotion of the petitioner on the post of Master Craftman with effect from 11.9.1993 alongwith arrears of higher pay attached thereto and continuity of service fixing the seniority on the aforesaid post.

(ii) to issue any other suitable writ, order or direction in the facts and circumstances of the case which this Tribunal may deem fit and proper."

2. Vide order dated 14.05.1998 applicant was given promotion to the post of Master Craftman in the pay scale of Rs.4500-7000/- but he was given proforma promotion w.e.f. 11.09.1993 and actual benefits only from the date of shouldring the higher responsibility. In the note, however, it was mentioned that since there is SF-5 pending against the applicant, who was Welder-I, therefore, his promotion would be <sup>dependent &</sup> ~~deprived~~ on the outcome of the final orders to be passed in the enquiry.

3. Applicant had challenged this note by submitting that he was issued the chargesheet only in the year 1997 whereas he was declared passed in the year 1994 itself, and since on that date there was nothing pending against the applicant, therefore, there was no justification to deprive him of his promotion in the year 1998. In other words,





he submitted B

that his promotion could not have been withheld in the year 1998 and also that he was entitled to get actual pay and allowances from the date he was entitled to be promoted as Master Craftman i.e. 11.09.1993.

4. During the pendency of this O.A. respondents have placed on record subsequent order dated 27.06.2003

wherein it was clarified that as on 11.09.1993 there was no punishment imposed on the applicant, therefore, applicant would be entitled to get the actual benefit of promotion as Master Craftman w.e.f. 14.05.1998 itself, Even though he would be entitled to get his <sup>notional B</sup> promotion w.e.f. 11.09.1993. In the said order his seniority was

also fixed below Shri Ram Chandran and above Shri Bhagwan Singh, with reference to his promotion on 11.09.1993 and his present position would be that he would be below

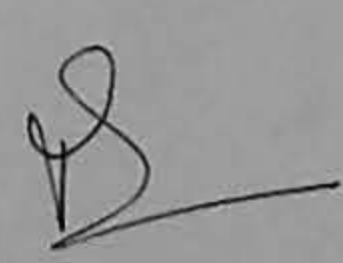
Shri Kalla Ram and above Shri Bhagwan Singh. It was further stated therein that applicant, had given his option for promotion w.e.f. 11.09.1993 and actual promotion w.e.f. 14.05.1998. However, he would be entitled to get the salary keeping in view the punishment of <sup>reversion on B</sup> ~~reversion~~ given to him for a period of two years. The earlier

orders dated 31.01.2002 and 26.12.2002 were also cancelled by the above said order. In view of the above order which was placed by the respondent on record it was submitted by the respondents that this O.A. has become infructuous, therefore, the O.A. may be dismissed.

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5. Counsel for the applicant, however, submitted that even as per this order no payments have been made to the applicant and he has not even been given the benefits of this order till date.


6. Since these are subsequent developments and the initial grievance of applicant has already been redressed by the respondents to some extent, therefore, we feel <sup>that</sup> it would be better if a direction is given to the applicant to give a proper representation to the authorities concerned narrating all these facts and pointing out as to how he is still aggrieved even after passing of this order and show what amounts are due to him according to him. This representation shall be made within a period of three ~~months~~ weeks from the date of receipt of a copy of this order. In case, applicant gives such a representation, respondents shall look into the matter as they have themselves stated in the order dated 23.06.2003 that as on 11.09.1993 there was no punishment imposed on the applicant, therefore, why he should not be given the actual pay and allowances for the promoted post of Master Carftman from the said date itself. After examining everything respondents shall pass a reasoned and speaking order under intimation to the applicant within a period of three months thereafter. In case, any payments are due to the applicant the same shall be paid to applicant alongwith due and drawn statement within the above said period.





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7. With the above direction, this O.A. is disposed off  
with no order as to costs.

  
Member-A

  
Member-J

/ns/