

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1269 of 2002  
WEDNESDAY, THIS THE 30TH DAY OF OCTOBER, 2002

HON. MRS. MEERA CHHIBBER, MEMBER-J

Prahlad Dhar Dubey,

s/o Thakur Dhar Dubey,

r/o Shivaji nagar,

post Shivpuri,

Colony, Rustumpur,

Gorakhpur, .....Applicant.

(By Advocate:-Shri V.K.Goel)

versus

1. Union of India through General Manager  
N.E. Railway, Gorakhpur.

2. Chief workshop Manager, N.E. Railway  
Gorakhpur.

3. Chief workshop Manager (P), N.E  
Railway Gorakhpur.

4. Senior personnel Officer (workshop)  
N.E. Railway, Gorakhpur.

.... Respondents

(By Advocate:-Shri K.P.Singh)

O R D E R (ORAL)

HON. MRS. MEERA CHHIBBER, MEMBER-J

By this O.A, the applicant has challenged the order dated 6-9-2002 passed by Senior Personnel Officer (workshop) North Eastern Railway, Gorakhpur and the order dated 1-8-2002 issued by Chief Workshop Manager Personnel Mechanical workshop North eastern Railway, Gorakhpur. In as much as the applicant has been given promotion with prospective effect only. The applicant has sought a direction that he <sup>be</sup> treated as having been promoted as Fitter Grade II at Mechanical

Workshop North Eastern Railway, Gorakhpur  
w.e.f. July, 1998 and seeking other consequential  
benefits.

2. The grievance of the applicant is that he was already promoted as Fitter Grade II in Carriage and Wagon Workshop Liluah, Eastern Railway in the year 1988. But since he had requested for transfer on request to North Eastern Railway he was informed that he could be transferred to North Eastern Railway, <sup>if</sup> ~~only~~ he forgoes his promotional post and is willing to hold the lower post grade ~~II~~ with bottom seniority. The same was accepted by the applicant and on 24-8-1993 he was transferred to North Eastern Railway. Therefore, in N.E. Railway the further process was being initiated for promotion for the post of Fitter Grade II when applicant was also asked to be included in the list of eligible candidates but later on he was asked to give his declaration that he had already passed the trade test for Fitter Grade II in E.Railway in 1988. The applicant has submitted that he gave his declaration on the basis of which he was granted the same Grade without subjecting him to any trade test. It is further submitted by him that since then he had been performing the duties of Fitter Grade II and was also paid salary in the Grade of Fitter Grade II. However, in the year 2002 when again the process was initiated for further promotion once again, the applicant was asked to appear in the trade test. The applicant in order to avoid any further confusion appeared in the trade test and after he cleared the same, he has

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been given promotion vide order dated 1-8-2002 as Fitter Grade II with prospective effect (page 19). The applicant is aggrieved by this order as he states that even at the time when he was transferred to North Eastern Railway his pay was fully protected even though he was taken here in the lower Grade of Fitter Grade III and thereafter in the year 1998 he had been treated as having been promoted as Fitter Grade II. Therefore, according to him the order dated 1-8-2002 giving him promotion with prospective effect and the order dated 6-9-2002 by which his salary has been reduced w.e.f. 1-1-1996 is absolutely wrong, illegal and is liable to be quashed and set aside as before reducing the salary, applicant was not given any show cause notice nor the reduction in salary is justified in view of the facts as narrated above. It is stated by the applicant that being aggrieved he gave his representation to the respondents on 9-10-2002 (page 39) and 3-10-2002 (page 41) but till date neither the respondents have decided the said representation nor given any reply to the applicant but have started drawing his salary in the reduced amount as shown in the order dated 6-9-2002.

4. The counsel for the respondents was seeking time to file reply to the O.A but I feel this O.A can be disposed of at the admission stage itself by directing the respondents to treat the present O.A filed by the applicant as a representation alongwith the representation already filed by him and pass a detailed and speaking order thereon within a period of three months from the date of receipt of a copy of this order under intimation to the applicant. Since, the applicant has made a categorical averments that before reducing the salary no show cause notice was given to him the respondents are directed not

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to give effect to the order dated 6-9-2002 till the representation is finally decided. In case the applicant is still aggrieved by the orders passed by the respondents he shall be at liberty to move the court by filing fresh O.A. With the above direction the O.A is finally disposed of with no order as to costs.



Member-J

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