

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 16th day of December 2002.

Original Application no. 1446 of 2002.

Hon'ble Maj Gen K K Srivastava, Member (A)  
Hon'ble Mrs. Meera Chhibber, Member (J)

Syed Ali Mehdi Abidi,  
S/o Syed Mohd Naeem Abidi,  
R/o 41-A, Hazaratganj, Dariabad,  
Allahabad.

... Applicant

By Adv : Shri S.S. Sharma

Versus

1. Union of India through the General Manager,  
Central Railway, Headquarters Office, C.S.T.,  
MUMBAI.
2. The Secretary, Railway Board, Rail Bhawan,  
NEW DELHI.
3. The Chief Personnel Officer, Central Railway,  
Headquarters Office, C.S.T.,  
MUMBAI.
4. The General Manager, Central Organisation for Railway  
Electrification, Headquarters Office,  
ALLAHABAD.

... Respondents

By Adv : Sri K.P. Singh

ORDER

Hon'ble Maj Gen K K Srivastava, Member A.

In this O.A., filed under section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to consider the case of the applicant for promotion to the post of Chief Law Assistant (in short CLA) grade Rs. 7450-11500 (RSRP) and promote him from the date juniors have been promoted by treating the seniority from the date of adhoc promotion i.e. 28.6.1996 with all consequential benefits. The applicant

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has further prayed for a direction to the respondents to consider the case of the applicant under provisions of Railway Board's order dated 19.3.1997 and also as per judgment of Hon'ble Supreme Court in R.C. Srivastava's case (Ann A10) while recasting the panel of Law Assistant dated 12.5.1997 in compliance to the judgment dated 3.1.2001 of Hon'ble C.A.T./Jabalpur Bench.

2. The facts, in short, are that the applicant was appointed as Commercial Clerk in the grade of Rs. 950-1500 on 16.6.1989. He was promoted as Senior Commercial Clerk in the pay scale of Rs. 1200-1800 during March 1993. The applicant being a law graduate was promoted as Law Assistant in the scale of Rs. 6500-10500 on adhoc basis on 28.6.1996. However, the General Manager, Central Railway, Mumbai issued notification dated 5.12.1996 for selection of Law Assistant in the grade of Rs. 6500-10500. The written examination was held on 27.3.1997 and viva-voce was held on 15.4.1997. The applicant was declared successful and his name was placed in the panel dated 12.5.1997 for the post of Law Assistant. The applicant was promoted as Law Assistant on 2.6.1997 and confirmed as Law Assistant on 23.12.1999. One Shri Jai Kumar Naidu and B.S. Sisodia <sup>in Noida</sup> who was posted as Law Assistant in the Office of D.R.M. Jabalpur and Bhopal respectively apprehending the review of the panel of their selection, filed OA no. 565 of 2000 before Jabalpur Bench of this Tribunal, with a prayer that they may not be reverted from the post of Law Assistant. The Jabalpur Bench of this Tribunal vide their judgment dated 3.1.2001 dismissed the OA no. 565 of 2000 and further directed Railways to recast the panel dated 12.5.1997 of Law Assistant by not considering 15 marks meant for seniority and directed to declare a fresh panel in respect of those who have secured 15 marks out of 85 marks. The applicant alongwith two others filed

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Writ Petition no. 689 of 2001 before Hon'ble Jabalpur High Court dated 3.1.2001 challenging the order of Jabalpur Bench of this Tribunal in OA no. 565 of 2000. The Hon'ble Jabalpur High Court stayed the operation of the order dated 3.1.2001 passed by Jabalpur Bench of this Tribunal in O.A. 3.1.2001.

3. The applicant filed a representation before the General Manager/C.P.O. Central Railway Mumbai on 19.7.2001 against his expected reversion. The plea of the applicant is that, at the time of formation of <sup>in panel of the</sup> Law Assistant dated 12.5.1997, he was already working on the said post on adhoc basis since 28.6.1990 and, therefore, he cannot be declared <sup>as</sup> unsuitable in case the panel is recasted. The applicant made further representation to C.P.O., Central Railway Mumbai on 30.10.2001 <sup>in Chief Law Assistant</sup> for considering his case for promotion to the post of (CLA) in the pay scale of Rs. 7450-11500. However, no decision was taken by the respondents and juniors to the applicant were promoted as CLA. The applicant filed representation on 11.7.2002 before C.P.O., Central Railway, Mumbai (Ann A12, pg 58) requesting that his candidature for promotion to the post of CLA be considered. The representation of the applicant, referred above, has been forwarded by the Law Officer/CORE, Allahabad vide letter dated 29.7.2002, which has not yet been decided. Aggrieved by this the applicant has filed this O.A.

4. Shri K.P. Singh, learned counsel for the respondents submitted that he should be given reasonable time to file counter affidavit. In our opinion the interest of justice shall better be served, if the representations of the applicant dated 19.7.2001 (Ann A8) and 11.7.2002 (Ann A12) are decided by a reasoned and speaking order within a specified time.

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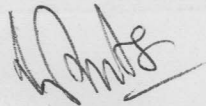
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5. In view of the aforesaid, the OA is finally decided with the direction to the respondent no. 3 i.e. C.P.O., Central Railway, Mumbai to decide both the representations of the applicant dated 19.7.2001 (Ann A8) and 11.7.2002 (Ann A12) by a reasoned and speaking order within a period of 3 months from the date of communication of this order.

6. There shall be no order as to costs.



Member (J)



Member (A)

/pc/