

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 21st day of March, 2002.

Original Application No.214 of 2002.

CORAM:-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. AK Bhatnagar, J.M.

J.P. Srivastava

Son of Late C.L. Khare,

Resident of 32, Maharajpura,

Garia Pathak, Jhansi.

(Sri A.S. Diwaker, Advocate)

. Applicant

Versus

1. Union of India through General Manager,
Central Railway, Bombay (CST).
2. General Manager, Central Railway,
Bombay (CST)
3. Chief Personnel Officer,
Central Railway, Bombay (CST),
4. Divisional Railway Manager,
Central Railway, Jhansi.
5. Sr.D.E.N. (CO),
Central Railway, Jhansi.

(Sri KP Singh, Advocate)

. Respondents

ORDER (O R A L)

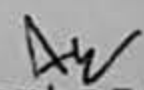
By Hon'ble Mr. S. Dayal, A.M.

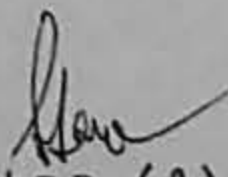
This application has been filed by the applicant seeking promotion of the applicant from the date of promotion of his juniors with all consequential benefits.

2. The claim of the applicant is that he was proceeded against and order of punishment was passed reducing him

from the stage of Rs.2150 to the stage of Rs.2050 in the scale of Rs.1660-2660 and his appeal was dismissed on 6-9-1995. The applicant challenged the order of the disciplinary and appellate authority in OA No.425/1996 and by order dated 23-2-2001 the order dated 21-10-1988 and the order dated 6-9-1995 were quashed and the amount deducted from the salary of the applicant was ordered to be refunded. It was left open to the respondents to hold a fresh enquiry as per rules. The applicant claims that he has received difference in emoluments but has not been given promotion on the next higher post created by restructuring. He he filed a number of representations for the purpose which has remained undecided. We find from Annexure-A-6 addressed to the S.D.E. Jhansi in which four occasions have been shown when the applicant's name was placed in the zone of consideration but the applicant was not given promotion. Learned counsel for the applicant has shown us the letter dated 12-2-93 (Annexure-A-2) in which the name of the applicant appears at Serial No.292. It is claimed by the learned counsel for the applicant that since the enquiry had been held against the applicant and punishment had been awarded, the promotion of the applicant could not have been made. The applicant after exoneration has requested the respondents to consider him for promotion as the punishment in his case has been set aside and no fresh enquiry has been initiated till date.

3. We at this stage consider it appropriate in the interest of justice to direct the respondent no.2 to decide the representation of the applicant (Annexure-A-3) within a period of three months from the date of receipt of a copy of this order. No order as to costs.


Member (J)


Member (A)

Dube/