

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.55 of 2002.

Allahabad this the 24th day of April 2003.

Hon'ble Mr.Justice R.R.K. Trivede, V.C.

Pradeep Kohli
Son of Madan Lal Kohli
Resident of 305, Nanakganj,
Sipri Bazar, Jhansi.

.....Applicant.

(By Advocate: Sri Rajeev Mishra)

Versus.

1. The Union of India
through the General Manager
Central Railway Kshatrapati Shivaji Terminal (C.S.T)
Mumbai.
2. The General Manager
Central Railway
Kshatrapati Shivaji Terminal (C.S.T)
Mumbai.
3. The Chief Personnel Officer,
Central Railway
C.S.T. Mumbai.
4. The Deputy Chief Personnel Officer
Central Railway
C.S.T Mumbai.
5. The Divisional Rail Manager
Central Railway, Jhansi Division
Jhansi.
6. The Senior Divisional Personnel Officer
Central Railway Jhansi Division
Jhansi.
7. The Senior Electronic Data Processing Manager (E.D.P.M)
Jhansi.

.....Respondents.

(By Advocate : Sri K.P. Singh)

ORDER

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the order dated 10.09.2001 by which the applicant has been promoted from Junior Data Entry Operator to Senior Data Entry Operator and posted at C.S.T (M) Office at Mumbai. Against the



aforesaid order, applicant had filed O.A. No.1137 of 2001 seeking direction from this Tribunal to respondents to post the applicant at Jhansi, the O.A. was disposed of on 04.12.2001 giving liberty to the applicant to file representation before General Manager (P) Central Railway Mumbai C.S.T which has been considered and decided by order dated 16.01.2002 which has also been challenged.

2. Learned counsel for the respondents has filed counter affidavit, from perusal of which it appears, that, the applicant was appointed as Data Entry Operator on 27.08.1990. He completed six months training. He was regularly posted at Electronic Processing Centre (In short E.D.P) Mumbai C.S.T. Subsequently applicant requested for his transfer at E.D.P. Jabalpur, his request was accepted and applicant was posted at Jabalpur on 21.08.1991. The applicant was again transferred from Jabalpur to Jhansi ~~as~~ his request was accepted and he was transferred to Jhansi on 23.10.1991. On 27.09.1999 applicant filed a representation claiming his seniority from the date he joined as Data Entry Operator and also for promotion. The representation of the applicant was examined by the Headquarter, he has been given seniority from the date he joined i.e., 27.08.1990, but he has been posted as Senior Data Entry Operator at Mumbai C.S.T. It is the case of the respondents, that, there is no post of Senior Data Entry Operator at Jhansi and applicant could not be accommodated there. General Manager (P) considered the representation of the applicant from all angles and rejected the same vide order dated 16.01.2002.

3. Sri R. Mishra learned counsel for the applicant, however, placed before me the order of Railway Board



dated 15.02.1993 and submitted that it is incorrect to say that Data Entry Operators ~~do~~ not form a cadre post, he has placed reliance on paragraph No.1.4 of the note attached to the letter. However, it appears ~~to~~ ^{that} ~~correct~~ Railway Board by this document has laid down staffing pattern for computer activities from Divisional ~~Office~~ Office to Zonal level office. It has been said that the need for Data Entry Operators in the above units should be minimal and 'on line' operation should be developed as far example, ECRCs and PRS directly work for the terminals eliminating the need for Data Entry Operators. Thus policy ~~appear~~ ^{to be} ~~that~~ at Divisional Level, the Data Entry Operators, should be engaged for short time, until on line operation is developed and engagement should be filled on the basis of ex-cadre. No cadre has been suggested and ~~so far as~~ ^{created} so far as the Division is concerned. Thus the claim of the applicant ~~that~~ ^{could be accepted and} he could be accommodated in Jhansi does not appear to be correct. Paragraph 1.4 is only for Zonal Office, the Zonal Office ~~is~~ available to the applicant is at Mumbai and thus he has been rightly posted at Mumbai after promotion.

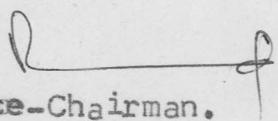
4. The second submission of the learned counsel for the applicant is that while rejecting the representation of the applicant, it has been observed that he was illegally transferred from Mumbai to Jhansi and his lien continued at Mumbai though the applicant has been restored to original seniority from the date of his appointment as Data Entry Operator, but the chance ^{of} promotion, which applicant could not avail for wrong order, has not been considered and no relief has been granted from the date, his juniors were promoted in higher scales. It is submitted that the order is totally silent on this question, to this



extent, ~~that~~ the submission of the learned counsel for the applicant appears to be correct. If the applicant was transferred from Mumbai to Jhansi under mistake then he cannot be allowed to suffer for mistake committed by the Department. The respondents ought to have considered the chance of promotion which was denied to him and the juniors were promoted ~~during this period~~. The applicant may be given liberty to file a fresh representation which may be considered and decided in accordance with rules expeditiously.

5. The O.A. is accordingly disposed of finally with liberty to applicant to make a representation before Competent Authority raising grievance about the promotion which he could not avail during the period he was serving at Jhansi. For rest of ~~promotion~~ ^{the controversy} order deciding the representation of the applicant, ~~is~~ maintained.

No order as to costs.


Vice-Chairman.

Manish/-