

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 20th day of August 2002

Original Application no. 754 of 2002.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member (A)

Subrata Majumdar, S/o Late N K Majumdar (Junior Engineer),
Head Draftsman (Mech) Northern Railway (Diesel Shed),
Mughal Sarai, Distt. Chandauli,
C/o Rakesh Nyayee, H No. M.M. 21, Central Jain Road,
Shivpur, Varanasi.

... Applicant

By Adv : Sri K N Kathiyar
Sri Z A Farqui

Versus

1. Union of India through the General Manager,
Northern Railway (H.Q. Office), Baroda House,
New Delhi.
2. Chief Personnel Officer, Northern Railway,
Baroda House (H.Q. Office), New Delhi.
3. Divisional Railway Manager, Northern Railway,
Lucknow.
4. Senior Divisional Mechanical Engineer (Diesel Shed),
Northern Railway, Alam Bagh, Lucknow.

... Respondents

By Adv : Sri A K Gaur

O R D E R

Hon'ble Mr Justice RRK Trivedi, VC.

By this OA, filed under section 19 of the AT Act, 1985,
the applicant has prayed for a direction to respondents to
construct/reconstruct the service record and leave account
of the applicant since his appointment as Apprentice Tracer
on 13.9.1982 and maintain it upto date onwards.

2. Sri K N Kathiyar, learned counsel for the applicant has submitted that maintainance of the service record of an employee is an obligation of the employer, in the present case it is Railway. It is submitted that though the applicant had joined the Railway service as Apprentice Tracer in 1982 his service record has not been prepared. The apprehension has been expressed that the applicant may suffer irreparable loss if the service book is not prepared before the applicant attains the age of superannuation.

3. Sri A K Gaur learned counsel for the respondents on the other hand submitted that the applicant had not made any representation before any authority for the aforesaid relief.

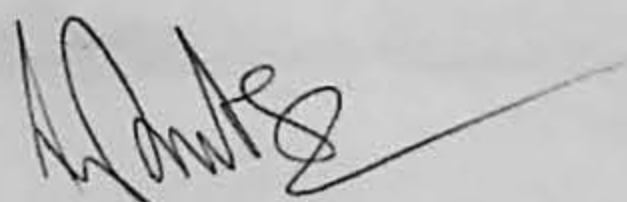
4. We have considered the submission of learned counsel for the parties. It appears that the applicant had approached, D.R.M., N Rly., Lucknow and had requested him for correct fixation of his pay. The application was given by him on 6.9.1999 another application was given on 6.2.2002. In this case the applicant specifically stated about his service record ^{which} has not been prepared and also prayed for fixation of pay, but his representation has not been considered. In our opinion the maintenance of service book and leave account of an employee is an obligation of the employer. The Railway Board issued circular number 558-E/II-IV (Eiv), dated 20.4.1960. By this circular the Railway Board had given the direction for reconstruction of the service records of non gazetted staff. There is another circular no. E(G) 78 LE 1-27 dated 17.1.1979 issued by Railway Board in this connection. In the said circular it has been stated that reference instructions contained in Railway Ministry's letter No. E(G) 70 LE 1-4 dated 20.8.1970 wherein comprehensive instructions about the maintainance and verification of the leave account and service record exists.3/-

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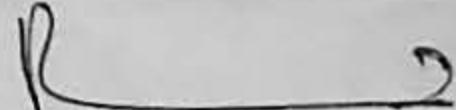
The aforesaid Railway Board's circulars are binding on the respondents and they cannot ignore the claim of the applicant. If his service record has not been constructed/reconstructed, in our opinion, the applicant is entitled for a direction against the respondents.

5. The O.A. is accordingly disposed of finally with the direction to the respondent no. 2, Chief Personnel Officer, Baroda House, New Delhi to get the Service Record and Leave Account of the applicant prepared/reconstructed as the case may be, within a period of 6 months from the date ^{Copy to} of this order is filed before him.

6. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/