

28

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 1131 of 2002.
ALLAHABAD THIS THE 8th DAY OF APRIL, 2009.

Hon'ble Mr. Justice A.K. Yog, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)

1. Rewati Raman Sinha, aged about 49 years, son of Shri B.P. Vidyarthi, Posted as Traffic Inspector in Divisional Railway Manager Office, North Eastern Railway, Varanasi R/o House No. N-11/108C Ranipur, Varanasi.
2. Kamlakant Srivastava, son of Shri Hari Shanker Lal Srivastava, posted as Traffic Inspector, in Divisional Railway Manager Office, North Eastern Railway, Varanasi, R/o Q. NO. 207-G, New Loco Colony, North Eastern Railway, Varanasi.

.....Applicants.

By Advocate: Shri V. Budhwar

Versus.

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager/General Manager (Admn.), North Eastern Railways, Gorakhpur.
3. Divisional Railway Manager, Varanasi.
4. Senior Divisional Personnel Officer, North Eastern Railways, Varanasi.
5. Senior Divisional Operating Manager, North Eastern Railways, Varanasi.

.....Respondents

By Advocate: Shri Anil Kumar

O R D E R

Delivered by Hon'ble Mr. Justice A.K. Yog, J.M
This O.A. relates to the year 2002. Shri V. Budhwar, Advocate-learned counsel representing the applicant, has sent illness slip. Shri Anil Kumar, learned counsel for the respondents present.

2. On 11.11.2008, Bench comprising of Hon'ble Mr. A.K. Gaur, Judicial Member and Hon'ble Mrs. M. Gautam, Administrative Member directed this O.A. to be listed for hearing on 19.12.2008 observing - 'that no further adjournment shall be granted'. The case when listed on 19.12.2008 was, however, adjourned fixing 27.1.2009. O.A. was again listed and Bench passed following order dated 27.1.2009:-

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"27.1.2009,

Hon'ble Mr. A.K. Gaur, J.M

Hon'ble Mr. S.N Shukla, A.M

Shri R.K. Jaiswal brief holder of Shri V. Budhwar, learned counsel for the applicant stated that Shri V. Budhwar is out of station. Shri Anil Kumar, learned counsel for the respondents stated that M.A. NO. 2313/03 for deletion is pending.

M.A. NO. 2313/03- for deleting the name of respondent No. 1 is allowed. Applicant is directed to delete respondent NO.1 from the array of parties and implead proper parties within a week.

List on 26.2.2009.

Sd/

A.M

Sd/

J.M"

Case was again listed on 26.2.2009, which reads:

"26.2.2009

Hon'ble Mr. A.K. Gaur, Member (J)

Hon'ble Mrs. Manjulka Gautam, Member (A)

The amendment has not been incorporated by the counsel for the applicant as yet. He prays for and is granted 03 weeks time in this regard.

List on 08.4.2009 for orders.

Sd

A.M

Sd

J.M"

3. Registry/Court Officer informs that Amendment have not been incorporated till date.

4. Relief(s) claimed in this O.A., read:-

"I) to issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the applicants and grant them promotion benefits in the pay scale of Rs.1600-2660 as revised to Rs.5500-9000 from the date the persons who are quite junior to the applicants have been granted promotion with all consequential benefits.

II) To issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the applicants and to fix the pay of the applicants in the pay scale of Rs.1600-2660 as revised to Rs.5500-9000 and Rs.2000-3200 revised to Rs.6500-10500 on the post of Traffic Inspectors with all consequential benefits attached thereto.

III) To issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the applicants and to assign seniority to the

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applicants by placing them over and above respondent NO. 6 and 7 and the persons who are quite junior to the applicants by ignoring the seniority list dated 22.5.1990 and 17.3.1993 which is Annexure NO. 7 and 13 to the petition.

IV) To issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

V) To award cost of the petition in favour of the applicants".

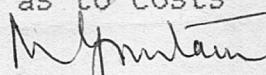
5. From the above, it is clear that decision at Department level is awaited. In view of the above, we are of the opinion that no useful purpose shall be served to keep this case pending which is prejudicial to the interest of the applicant.

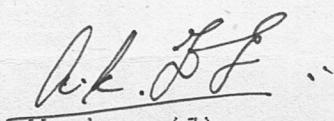
6. Consequently O.A. is disposed of without entering into the merit of the O.A. with liberty to the applicant to file comprehensive representation (alongwith certified copy of this order and a copy of this O.A. with all Annexures) within 4 weeks from today before Concerned Competent Authority and said Authority shall, provided such representation is filed -as stipulated and contemplated above-, decide the same in accordance with law by passing reasoned and speaking order within two months from the date of receipt of certified copy of this Order.

7. Registry is directed to send a certified copy of this order to the learned counsel for the applicants (who is ill today) follow up action for information within one week from today by speed post AD - with a copy to the Applicant No. 1 and 2.

8. O.A stands disposed of finally subject to the above observations/directions.

9. No order as to costs


Member (A)


Member (J)

Manish/