

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

Original Application No.1136 of 2003.

Tuesday, this the 23rd day of September, 2003.

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

Pankaj Dhar Dubey,  
S/o Sri S.D.Dubey,  
R/o 99-E, Azad Nagar,  
Jangal Tulsi Ram,  
Bichchia, Gorakhpur.

..... Applicant.

(By Advocate : Shri B. Tiwari)

Versus

1. Union of India,  
through the General Manager,  
N.E. Railway, Gorakhpur.
2. Chief Personnel Officer,  
N.E. Railway, Gorakhpur.
3. Principal,  
N.E. Railway,  
Balak Inter College,  
Gorakhpur. .... Respondents.

(By Advocate : Shri K.P.Singh)

ORDER (ORAL)

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

In this O.A. filed under Section 19 of A.T. Act, 1985, the applicant has prayed for a direction to respondents to promote the applicant as Lab Assistant in scale of Rs.530-610 (pre-revised) in pursuance of Railway Board's letter dated 21.01.1984 after regularising the applicant in scale of

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Rs.2550-3200/- in Balak Ram Inter College, N.E. Railway, Gorakhpur. The applicant has also prayed for seniority, arrears of salary for difference of pay for the post of Science Bearer and Lab-Assistant after completion of one year service from the date of his appointment excluding four months period.

2. The facts, in short, are that the applicant was appointed as Group 'D' employee in the respondent's establishment on 21.12.1999. He worked on that post till 27.3.2003 under Deputy Chief Signal Telecom Engineer Microwave. The applicant had given an application on 26.12.2001 to the Deputy C.P.O., N.E. Railway, Gorakhpur about his screening (Annexure-2). The applicant ~~had~~ again ~~given~~ given an application on 6.8.2002 to the Sr. S.P.O., N.E. Railway, Gorakhpur regarding his screening as per remarks of Deputy C.P.O. dated 26.12.2001 (Annexure-2). The grievance of the applicant is that inspite of his representations, the respondents have taken no action to regularise the services of the applicant in Group 'D', while in case of his junior, the same has been done and also that because of this he has suffered promotion to higher rank and also the loss of seniority. Hence this OA.

3. Shri B. Tiwari, learned counsel for the applicant submitted that as per the law laid down by Hon'ble Supreme Court in the case of Ram Kumar Vs. Union of India, reported in A.I.R. 1988 SC Page 390 and also in case of Union of India Vs. Basant Lal, reported in 1992 (2) SCC Page 679, the applicant is deemed to have ~~been~~ acquired temporary status, after completion of four months and, therefore, the screening

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of the applicant had to be done. Besides, the learned counsel for the applicant also invited my attention to Railway Board letter dated 21.1.1984 (Annexure-4) and submitted that in view of the Railway Board Circular dated 21.1.1984, the applicant is eligible for promotion to Lab-Assistant after completing one year service as Science Bearer and also because the applicant is intermediate with science.

4. Learned counsel for the respondents prayed for time to file Counter. Since this case can be disposed of at the admission stage itself, no time is being given to the counsel for the respondents for filing counter.

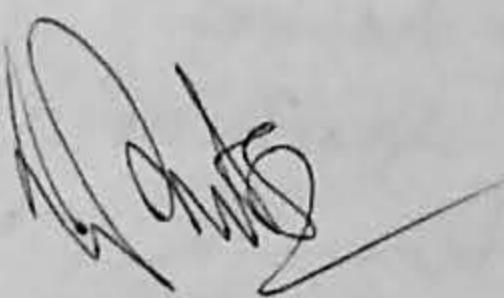
5. Heard counsel for the parties, considered their submissions and perused the records.

6. The applicant filed a representation on 26.12.2001 (Annexure-2) for his screening/regularisation and again filed a representation on 25.6.2003 (Annexure-9) for his promotion.

7. In my considered opinion, it would be appropriate for applicant to file a fresh detailed representation bringing out his grievances for which he is allowed four weeks time. The interest of justice shall better be served, if the representation so filed before the Competent Authority, <sup>which</sup> be decided by a reasoned and speaking order within three months from the date of receipt of such representation alongwith the copy of the order of this Tribunal, <sup>hence</sup> by

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keeping in view, the various instructions issued by the Railway Board on the subject and also the Circular dated 21.1.1984. The O.A. is disposed of with the above direction at the admission stage itself with no order as to costs.



Member-A.

RKM/-