

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1273 of 2003.

Allahabad this the 25th day of August 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

1. R.C. Khare
son of Sri G.P. Khare,
Resident of House No.938, Kalyani Devi,
Allahabad.
2. Anil Kumar son of late N.P. Srivastava,
resident of 749-B, South Road,
Railway Colony, Allahabad.

.....Applicants.

(By Advocate : Sri Anil Dwivedi)

Versus.

1. Union of India
through the General Manager,
North Central Railway,
Head Quarter Office,
Allahabad.
2. The General Manager (P)
North Central Railway,
Head Quarter Office, Allahabad.
3. The Divisional Railway Manager,
North Central Railway,
Allahabad.
4. The Divisional Personnel Officer,
North Central Railway,
Allahabad.
5. The Divisional Superintending Engineer,
North Central Railway,
Allahabad.

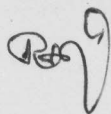
.....Respondents.

(By Advocate : Sri Gyan Prakash)

O_R_D_E_R

(By Hon'ble Mr. Justice S.R. Singh, V.C)

Heard Sri Anil Dwivedi learned counsel for the
applicant, Sri Gyan Prakash learned counsel for the
respondents and perused the records.



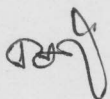
2. The applicant No.1 was initially appointed on 17.05.1972 as Inspector of Works in Western Railway in the pay scale of Rs.205-280. On 17.12.1976, he was transferred to Northern Railway and posted at Kanpur as Inspector of Works II in the pay scale of Rs.550-750 on adhoc basis on 23.09.1981 and claims to have been, later on, regularised with effect from 01.01.1984 vide order dated 20.09.1991. Similarly the 2nd applicant Anil Kumar was initially appointed as Way Inspector Grade III in Northern Railway, Kanpur in the pay scale of Rs.425-700 w.e.f. 19.03.1976. However, in the year 1979 his category was changed from Permanent Way Inspector Grade III to Inspector of Works Grade-III, from which post he was promoted to the post of Inspector of Works Grade II on 14.12.1985 which was later on regularised with effect from 01.01.1984 vide order dated 20.09.1991.

4. The applicants later on staked their claims for promotion to the post of Inspector of Works Grade-I by means of representation. It is alleged that vide letter No.754-E/Engg-3/IOW.Pt/V (65) dated 30.05.1986, they were promoted as Inspector of Works Grade I in the pay scale of Rs.700-900 (Rs.2000-3200) (RPS) on adhoc basis. The grievance of the applicants is that their adhoc services on the post of Inspector of Works Grade I ought to have been taken into consideration for the purposes of reckoning their seniority in the cadre of Inspector of Works Grade I, in which grade the services of the applicants were regularised w.e.f. 22.10.1992 vide order dated 23.10.1992. The applicants, it appears, filed O.A. No.389 of 1995 for redressal of their grievances regarding assignment of seniority in the cadre of Inspector of Works Grade I. The said O.A. came to be disposed of by order dated 29.01.2003 giving liberty to the applicants to make a representation which if filed would be considered and decided by the respondents

By

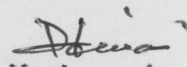
by a reasoned order within a period of three months. It appears that in continuation of earlier representations, the applicants moved another representation dated 23.04.2003 annexed as Annexure A-12 regarding disposal of their representations with regard to correction of seniority in compliance of order dated 29.01.2003 passed by the Tribunal in O.A. No.389/95. The Divisional Railway Manager, Northern Railway, Allahabad submitted his comments to General Manager (Karmik) Northern Railway, Headquarter, Baroda House, New Delhi. A copy of comments has been annexed as Annexure A-9. It appears that the copy of the representation dated 23.04.03 was sent to the General Manager (P), Northern Railway, Headquarter Office, North Central Railway, Allahabad. Letter dated 05.06.2003 (Annexure A-1) was issued informing the applicants that there was no order of Railway Board on the basis of which, the applicants could not assign seniority with effect from the date of their adhoc promotions. The letter dated 05.06.2003 appears to be in form of the comments. In our opinion, the representation ought to have been decided by the General Manager (P), North Central Railway, Headquarters Office, Allahabad.

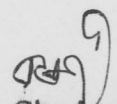
4. Accordingly the O.A succeeds and is allowed in-part with a direction that the representation dated 23.04.2003 shall be considered and disposed of by General Manager (P) North Central Railway, Headquarters Office, Allahabad by means of a reasoned order. The order-cum-letter dated 05.06.2003 of Divisional Personnel Officer, North Central Railway, Allahabad may be taken into consideration as if it is by way of comments to the representation filed by the applicant and it shall not be construed as a final order.



Nor shall it be binding on the General Manager (P) North Central Railway, Allahabad who shall render the decision within four weeks from the date of receipt of a copy of the order.

No costs.


Member-A.


Vice-Chairman.

Manish/-