

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Original Application No. 1037 of 2003.

this the 3rd day of September 2003.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

1. Baij Nath Yadav, S/o Sri Ganesh Yadav, R/o 559-H, Bichhiya Railway Colony, Gorakhpur.
2. Abdul Wafa Khan, S/o Sri Mohd. Mujtaba Khan, R/o 305-B Wazeerabad Colony, Gorakhpur.
3. Poonam Singh, W/o Sri Chandrama Kunwar Singh, R/o 250, Shakti Nagar Colony, Gorakhpur.

Applicants.

By Advocate : Sri P. Srivastava.

Versus.

1. Union of India through General Manager North Eastern Railway, Gorakhpur.
2. Chief personnel officer, North Eastern Railway, Gorakhpur.
3. Chief Commercial Manager, North Eastern Railway, Gorakhpur.
4. Senior Divisional personnel officer, North Eastern Railway, Lucknow.
5. Senior Divisional personnel officer, North Eastern Railway, Varanasi.
6. Senior Divisional personnel, officer, North Eastern Railway, Izatnagar.

Respondents.

By Advocate : Shri K.P. Singh.

ORDER (Oral)

By Hon. Maj Gen K.K. Srivastava AM

In this OA, filed under section 19 of A.T. Act, 1985, the applicants have sought for a direction to the respondents to take the examination of Commercial Inspector Grade I in the pay scale of Rs. 6500-10,500, and promote the applicants in accordance with rules.


2. The grievance of the applicants is that though they were appointed as Commercial Inspector Grade II in the pay scale of Rs 5500-9000 during 1998, no examination is being held in the headquarters for their promotion to Commercial Inspector Grade I in the pay scale of Rs. 6500-10,500, though there are about 10 vacancies existing in the Headquarters for that grade. The applicants have stated that they are direct recruits and examinations for Commercial Inspector grade-I are being held in other divisions like Izatnagar, Lucknow and Varanasi, which are under control of the General Manager, North Eastern Railway, Gorakhpur; whereas the same is not being held for the headquarters staff.

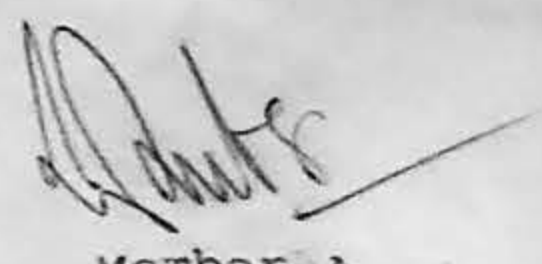
3. Shri P. Srivastava, learned counsel for the applicants submitted that the applicants will rank junior to all those who are declared successful in the various selection examinations held by the divisions because the Railway-wise seniority is being maintained in respect of Commercial Inspector Grade-I and obviously if the applicants are not given chance, their names would not appear in the seniority list of Commercial Inspector Grade I, whereas those who are declared successful ^{in the divisions} would find place therein. The learned counsel for the applicants ^{stated} further submitted that the applicants have come to know that selection for Commercial Inspector Grade I is not being held ^{in Headquarters} because of the stay order of this Tribunal dated 30.7.1997 passed in OA No. 754/97. The applicants have also filed a detailed representation dated 3.3.03 (Annexure A III) before General Manager (personnel) which still remains undecided, hence this O.A..

4. Shri K.P. Singh, learned counsel for the respondents ^{for} prayed some time to file CA. ^{case} We do not consider it necessary to call for counter as this can be decided at admission stage itself. After hearing the learned counsel for the applicant, ^{may} we referred to the interim order of this Tribunal dated 30.7.1997 passed in OA No. 754/97. The interim order has been passed in respect of promotion to the post of Commercial Inspector grade II

in the pay scale of Rs.5500-9000 and has got nothing to do
s regards selection for the post of Commercial Inspector Grade I
in the pay scale of Rs.6500-10,500. Therefore, we are of the
considered view that the ends of justice shall better be served
if the respondents ^{are} directed to decide the representation of the
applicant dated 3.3.03 (Annexure A III) by a reasoned and
speaking order keeping in view two factors. Firstly, that the
interim order of this Tribunal dated 30.7.1997 is in regard for
promotion to the post of Commercial Inspector Grade II and
secondly that as ^{the} model employer precautions are taken that
the career prospects of the applicant^s are safeguarded.

5. For the reasons stated above the OA stands disposed of
at admission stage itself with a direction to the General Manager
(P), North Eastern Railway, Gorakhpur, i.e. respondent no. 2 to
decide the representation^{of the applicants} dated 03.03.2003 by a reasoned and
speaking order within a period of two months from the date of
communication of the order. No costs.


Member J


Member A

GIRISH/-