

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD**

(ALLAHABAD THIS THE 31<sup>st</sup> DAY OF OCTOBER, 2011)

**Present**

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**  
**HON'BLE MR. SHASHI PRAKASH, MEMBER (A)**

**Original Application No. 137 OF 2006**  
(U/S 19, Administrative Tribunal Act, 1985)

Subhash Chandra Mishra,  
Aged about 51 years,  
S/o Shri L.P. Mishra,  
At present posted as Chief Controller  
at North Central Railway, Allahabad.

.....Applicant

**V E R S U S**

1. Union of India through its General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager,  
North Central Railway, Allahabad.
3. Chief Personnel Officer,  
North Central Railway, Allahabad.
4. Deputy Chief Operating Manager (Chg),  
North Central Railway, Allahabad.
5. Surya Kumar Srivastava,  
S/o R.A.L. Srivastava,  
At present posted as Chief Controller,  
Head Quarter, N.C.R., Allahabad.

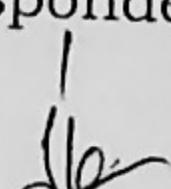
.....Respondents

Advocates for the Applicant:-

Sri K.K. Mishra

Advocate for the Respondents:-

Sri P. Mathur



ORDER

(DELIVERED BY MR. SANJEEV KAUSHIK, MEMBER (J))

The present Original Application is directed against notice dated 01.06.2005 (Annexure A-5). Learned counsel for the applicant Sri K.K. Mishra very fairly submitted that the respondents have not granted him the pay scale of Rs.6,500-10,500 from the date when the same was granted to his immediate juniors. He further argued that though by the impugned notice the respondents have stated that the applicant has been given the pay scale of Rs.6,500-10,500, but actually an order to this effect has not been passed till today. He also referred to the order passed by this Tribunal on 08.04.2004 in OA No.708 of 1999 whereby the punishment orders dated 10.03.1999 and 5.5.1998 are quashed and the matter was remitted back to the respondents to proceed afresh from the stage of enquiry report. After disposal of the above OA, the respondents conducted the enquiry from the stage as directed by this Tribunal and ultimately the applicant was exonerated from the charges and consequent to that the applicant became entitled for all consequential benefits from the date when the same was granted to his junior. He further submitted that the applicant has also not been given correct position in seniority. On the other hand Sri P. Mathur, learned counsel for the respondents submitted that the applicant has been granted the pay scale of Rs.6,500-10,500 and he was also given seniority of

Dy. Chief Controller. He referred to letter dated 9.6.2005 appended as Annexure CA-VIII and submitted that the benefit has already been extended to the applicant, therefore, the instant petition be dismissed.

2. We have perused the notice dated 1.6. 2005 (Annexure A-5) but no order granting/sanctioning the pay scale in favour of the applicant of Rs.6,500-10,500 has been appended by the respondents that from which date the same has been given to the applicant and even no order has been appended giving proforma promotion to the applicant. Therefore, we deem it appropriate to remand the matter back to the respondents with a direction to them to pass an order giving the pay scale of Rs.6,500-10,500 to the applicant and also indicating the date from when the applicant was given proforma promotion. Let the above exercise be completed within a period of six weeks from the date of receipt of certified copy of this order and the applicant will be given consequential benefits.

3. OA stands disposed of. No Costs.

*C. Keeran*  
Member-A

*Hans*  
Member-J

/ns/