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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 673 of 2007

Tuesday this the 13th day of November, 2007

**Hon'ble Dr. K.B.S. Rajan, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)**

Alok Kumar Bhatnagar S/o Late Krishna Swaroop Bhatnagar, r/o 383/229 B, Baghambari Housing Scheme, Allahabad.

Applicant

By Advocate Sri Ashish Srivastava

Versus

1. Union of India through Chairman, Railway Board, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.

Respondents

By Advocate Sri P.N. Rai

ORDER

By Dr. K.B.S. Rajan, Member (J)

The applicant was initially appointed in Group 'C' cadre in the year 1973. In the year 1983, the Railway Board introduced restructuring scheme for non-gazetted staff for respective Group 'C' and 'D' cadre. Some individuals were given upgradation w.e.f. 01.08.1982 whereas the applicant was given upgradation w.e.f. 01.01.1984. The applicant then approached this Tribunal through O.A. No. 450 of 1990, which was disposed of in favour of the applicant vide order dated 16.01.1997. The decision in O.A. No. 450 of 1990 was challenged by the respondents before the Supreme Court but the same was dismissed. Consequently vide annexure A-2 Order passed in 2002, the date of upgradation was made w.e.f. 01.08.1982 in respect of the applicant also. As

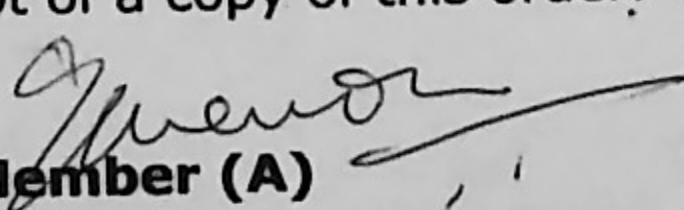
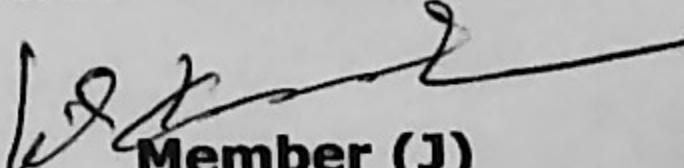
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further promotion was not granted on the basis of Order dated 16.01.1997 in O.A. No. 450 of 1990, some of the affected person approached this Tribunal through O.A. No. 583 of 1997 and this Tribunal vide Order dated 17.11.2004 disposed of the O.A., directing the applicants to file representation for redressal of their grievance. The grievances of such applicants therein were redressed. However, in so far as the applicant in this O.A. is concerned, though by Order dated 25.04.2007 the Headquarters has recommended the case but the higher authorities, as stated, have rejected the applicant's claim on the ground that he was not party before the Court.

2. Counsel for the applicant submitted that in identical issue vide Order dated 02.09.2005 (annexure A-9) in M.A. No. 471 of 2005 in O.A. No. 583 of 1997, this Tribunal has passed an Order stating that if the Judgment in rem has been passed, other similarly situated should not be forced to approach the Court for the benefits arising out of the said Judgment.

3. Counsel for the respondents submitted that the case of the applicant shall be considered by the authority concerned in the light of Judgment passed and final decision should be communicated to the applicant.

4. Taking note of above submissions of counsel for the ^{Respondents} ~~applicant~~, we are of the view that this O.A. can be disposed of with the direction to the respondents to consider the case of the applicant for promotion as claimed by him to the post of Group 'B' cadre and then to Group 'A' cadre from the date his juniors have been promoted in the light of the Orders of this Tribunal in O.A. No. 450 of 1990, M.A. No. 471 of 2005 in O.A. No. 583 of 1997 and decide the issue. The time calendared for consideration of case of the applicant by the respondents is two months from the date of receipt of a copy of this order. No order as to costs.


Member (A)
Member (J)