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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.814 OF 2007

ALLAHABAD THIS THE 14TH DAY OF AUGUST 2007

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN
HON'BLE MR. K.S. MENON, MEMBER-A

1. Krishna Kumar Sinha,
aged about 42 years,
Son of Late Gauri Shankar Lal Srivastava,
Senior Pharmacist, Health Unit,
North Central Railway, Chunar, District-Mirzapur
MMUndmemr Allahabad Division.
2. Anil Kumar Gupta,
aged about 42 years,
Son of Sri Sashrath Lal Gupta,
Senior Pharmacist, Railway Hospital,
Allahabad, North Central railway, Allahabad
Division, Allahabad.

.Applicants

By Advocate : Shri A. K. Srivastava

Versus

1. Union of India,
through General Manager,
North Central Railway,
Allahabad.
2. Divisional Railway Manager,
North Central Railway,
Allahabad Division, Allahabad.
3. Senior Divisional Personnel Officer,
North Central Railway,
Allahabad Division, Allahabad.

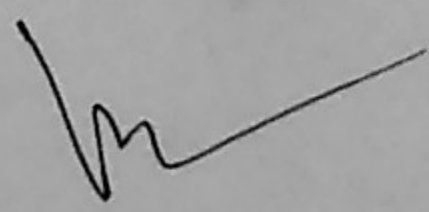
.Respondents

By Advocate : Shri P. N. Rai.

ORDER

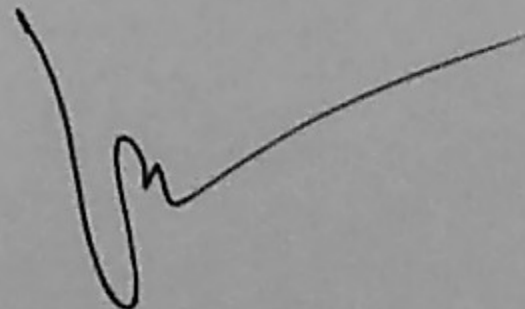
HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN

Both the applicants are claiming benefit of up gradation and promotion under the scheme of restructuring, w.e.f. 01.11.2003 in the Scale of



Rs.6500-10500. It appears that they have been given that benefits vide order dated 18.07.2007, with effect from subsequent date. Their total case is that they were entitled to that benefit from 01.11.2003 and inspite of various representations such as Annexure-6, 6A, and 6B given to Senior Divisional Personnel Officer, North Central Railway, Allahabad Division, Allahabad, their grievances have not been redressed and they have not been given the said benefit from the due date i.e. 01.11.2003. Learned counsel says that a Full Bench of this Tribunal has already decided in O.A. No.933/04 and O.A. No.778/04 P.S. Rajput & two Others etc. Versus Union of India and Others that reservation in favour of Schedule Caste and Schedule Tribes is not permissible in the restructuring. Shri A. K. Srivastava wants to say that had the benefit of this Reservation not been given to the persons concerned, applicants could have been given that benefit on the basis of seniority, from 01.11.2003.

2. We think it would be just and proper to ask the respondent no.3 to consider and dispose of the representation of the applicants copies of which are Annexure-6, 6A and 6B in accordance with relevant rules and the law within the time to be fixed by this Tribunal. If the applicants remain^s aggrieved even after the disposal of the said representation, they will be free to come to the Tribunal.



(4)

3. So the OA is finally disposed of at the admission stage itself with a direction to respondent no.3 to consider and dispose of the said representations (Annexure A-6, 6A & 6B) of the applicants by passing a reasoned and speaking order, in accordance with rules/orders on the subject and the law, within a period of two months from the date ^a of certified copy of this order together with the copy of OA is produced before him.

4. There will be no order as to costs.

[Handwritten Signature]
 Member-A
 14/8/07

[Handwritten Signature]
 14-8-07

Vice-Chairman

/ns/