

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

0

O.A. No. /712/88
T.A. No.

DATE OF DECISION 23/10/1992

Shri P.H.Vaniya

Petitioner

Mr. A. M. Saiyad.

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Mr. N. S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. V. Krishnan

Vice Chairman

The Hon'ble Mr. B. C. Bhatt

Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

(7)

Pursottamdas Harkhabhai Vaniya,
ages 55 years, resident of
Bungalow no.9, Mangal Vikas Housing
Society, Danilimda,
Ahmedabad - 380 028.

....applicant

(Advocate : Mr.A.M.Saiyad)

VERSUS

1. Union of India,
Notice to be served through the
General Manager, Western Railway,
Churchgate,
Bombay.400 020.
2. The Divisional Railway Manager,
Vadodara Division,
Western Railway,
Pratapnagar,
Vadodara- 390 004.
3. The Senior Divisional Commercial Superintendent,
Vadodara Division,
Western Railway,
Pratapnagar,
Vadodara- 390 004.

....respondents

(Advocate : Mr.N.S.Shevde)

== O P A L J U D G M E N T ==

O.A./712/88

Date : 23/10/1992

Per : Hon'ble Mr.P.G.Bhatt

Member (J)

1. This application under section 19
of the Administrative Tribunal Act, is filed by the

new

(B)

applicant praying that he be given his due place in the impugned order dated 3rd October, 1988 as per his position in the seniority list notified vide letter dated 6th April, 1987 and it may be declared that the applicant who is SC candidate and who is at Sr.no.1 in the seniority list of TTIS in scale Rs.1600-2660 (R/P) is eligible to be called at the selection for the post of Chief Ticket Inspector in scale Rs.2000- 3200 (R /P) in the vacancies as assessed by the respondent no.2's letter dated 03/10/1988 or in the alternative to declare that the respondents should not fix finalise, the proceedings of the selection for the post of CTI initiated, vide impugned orders, excluding SC/ST candidate, the applicant who are due for selection in order of seniority.

2. The respondents have filed detailed reply disputing the averments made in the application.

3. The applicant has filed the rejoinder.

4. At the time of hearing of this application, we asked the learned counsel for the applicant as to whether this matter can be disposed of finally by giving directions to the respondents no.2 to consider the question of eligibility of the present applicant in the seniority list dated 6th April, 1987 Annexure A/1 and to be called at the selection for the post of CTI scale 2000-3200 in the vacancies as assessed vide respondent no.2's letter dated 3rd October, 1988 vide Annexure A/2. The learned

advocate for the applicant submitted that such directions may be given to the respondent no.2. He also added that the applicant has retired on 31st May, 1991 and therefore, if the applicant is held eligible to be called at the selection for the post of CTI in the vacancy assessed at Annexure A/2 dated 3rd October, 1988 then the respondent no.2 also should consider ~~gixx~~ giving the applicant on that basis the provisional promotion and consequential benefits.

5. Learned advocate for the applicant submitted that as per Annexure A/1 dated 1/12/1988 annexed with M.A./363/92 the employees named in ~~the Panel have been considered for the promotion on the~~ provisional basis and the applicant be considered accordingly. Learned counsel for the respondents submitted that the appropriate direction may be given to the respondent no.2 for considering the eligibility of the applicant for his selection for the post of CTI.

6. After, hearing the learned counsel for the applicant and respondents and considering their submissions, we dispose of this matter finally by giving the appropriate directions to respondent no.2 as under.

7.

===== O R D E R =====

The respondent no.2 is directed to consider whether the applicant is eligible for selection for the post of CTI in the vacancies as assessed vide respondent no.2's letter dated 3rd October, 1988 Annexure A/2 or in the alternate whether he is entitled to be considered in the selection in the general category in the order of

(P)

of seniority. In case, the respondent no.2 comes to the conclusion that the applicant is eligible to be considered for selection ~~u to~~ under the vacancies shown in Annexure A/2 or in the general category in order of seniority, he may further then consider whether the applicant is ~~fix~~ fit for the promotion and if ~~he shall~~ so, the respondent no.2 ~~to~~ include the applicant's name in the panel along with the persons whose names are included in Annexure A/1 dated 6th April, 1997, and then ~~to~~ consider the promotion of the applicant on the day on which any of his juniors mentioned in this Annexure A/1 was promoted on that basis. As the applicant has retired on 31st May, 1991, the respondent no.2 may also consider and decide as to what benefits on this deemed promotion, ~~as to~~ the applicant was entitled in respect of pay and allowances and consequential benefits. If the applicant is aggrieved by the ultimate order of the respondent no.2, in this connection, he is at ~~free~~ liberty to approach the Tribunal accordingly to law. The respondent no.2 shall decide the points directed to him, according to rules, applicable to the applicant at the relevant point of time., within the period of 4 months from the receipt of this order. The M.A./363/92 is also disposed of along with this O.A.. No order as to costs.