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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.145 of 1986.

Date of Decision - 21st August, 1989.

P. Ramamurty, Son of P.S.N.Murty,
Assistant Teacher, South Eastern Railway,
Mixed Higher Secondary School,
Khurda Road, P.O. Jatni, District-Puri.

.... APPLICANT

Versus

1. Union of India through the
General Manager, South Eastern Railway,
Garden Reach, Calcutta-43.
2. Chief Personnel Officer,
South Eastern Railway,
Garden Reach, Calcutta-43.

.... RESPONDENTS

Mr. G.A.R. Dora

... For Applicant

Mr. L.K.Mohapatra

Standing Counsel(Railways) ... For Respondents

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

AND

THE HONOURABLE MR. N. SEN GUPTA, MEMBER(JUDICIAL)

1. Whether reporters of local papers may be allowed
to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No.
 3. Whether Their Lordships wish to see the fair
copy of the judgment ? Yes.
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J U D G M E N T.

B.R. PATEL, VICE-CHAIRMAN.

In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for grant of selection grade with effect from 1.4.76.

2. Briefly mentioned, the facts of the case are that the applicant joined the Mixed Higher Secondary School at Khurda Road as an Assistant Teacher on 18.7.55. He was promoted to the post of Grade II Teacher on 6.7.64. The Railway Board issued orders dated 31.3.76 and 11.11.76 (Annexures- 1 and 2) to the effect that 20% of the posts in Grade II should be upgraded to the Selection Grade posts in order to obviate the hardship caused due to stagnation. At that time 20% of Grade II posts came to 78 posts. The Railway Board also issued some guidelines dated 8.3.79 (Annexure-3) laying down the procedure for appointment to the Selection Grade posts. It was also laid down therein that the appointment to the Selection Grade posts should be made retrospectively from 1.4.76. Mr. Dora, learned counsel for the applicant, drew our attention to Annexure-3 particularly to the portion of these instructions which says that the Selection Grade posts should be filled up on the basis of general seniority subject to elimination of unfit. On receipt of the guidelines, the Railway Administration of the South Eastern Railway filled up only 66 posts, that too, on medium and streamwise, and 12 posts still remain unfilled. Mr. Dora's prayer is not for appointment of the applicant to any of these 12 posts but to one of the 66 posts which have been filled up.

3. Mr. L.K. Mohapatra, learned Standing Counsel for the

[Signature]

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Railway Administration, on the basis of the counter affidavit filed has contended that the posts have been filled up as per instructions of the Railway Board and there being no irregularity committed by the Railway Administration, no further relief is warranted. Admittedly the applicant was promoted to the Selection Grade vide order dated 17.1.83 which was given immediate effect. But as some of the juniors of the applicant have been promoted earlier, the applicant has made a representation to give effect to his promotion from the same date on which his immediate juniors have been promoted. On consideration of this representation, the Railway Administration gave him the benefit of promotion with effect from 1.4.81 vide Annexure-7. This order also fell short of his expectation and he put in another representation. Only recently his representation has been considered and he has been given promotion to the Selection Grade post with effect from 1.4.76 by office order No.P/ED/33/89 dated 10.5.89 (Annexure-8). Mr. Mohapatra has said that since the applicant has already been given promotion, there is no further relief to be granted by the Tribunal though there was some delay on the part of the Railway Administration in giving him the relief. In view of the fact that the applicant has since got the promotion and that too, with effect from 1.4.76 the date on which these posts were created, there is nothing further to be granted to the applicant by this Tribunal. Since the order giving the applicant promotion with effect from 1.4.76 was issued on 10.5.89, we hope that the order has since been implemented. If, however, the order dated 10.5.89 has not been implemented, it should be done within one month from the date of receipt of a copy of this judgment.

Bhushan

4. The application is accordingly disposed of leaving the parties to bear their own costs.



N. SEN GUPTA, MEMBER (JUDICIAL) .

I agree.

..... 21.8.89
VICE - CHAIRMAN.

..... 21.8.89
MEMBER (JUDICIAL)

Central Administrative Tribunal,
Cuttack Bench, Cuttack,
The 21st day of August, 1989/Jena, SPA.