

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 527 OF 1993.

Cuttack, this the 18th day of August, 1993.

Suresh Chandra Sahoo. Applicant.

- VERSUS -

Union of India & Others. Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOM
VICE-CHAIRMAN)

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C O R A M :

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDL.).

....

SURESH CHANDRA SAHOO,
S/o. Kabiram Sahoo,
Senior Clerk,
Commercial Department, SE Rly.,
A T/Po/PS.-Jatni, Dist. Khurda.

.... APPLICANT.

By legal Practitioner: Mr. P. C. Mohapatra, Advocate.

- versus -

1. Union of India represented through its General Manager, South Eastern Railway, 11, Garden Reach Road, Calcutta-43.
2. Chief Personnel Officer, S. E. Railway, Garden Reach, Calcutta-43.
3. Divisional Railway Manager, South Eastern Railway, Khurda Road, At/Po/PS.Jatni, Dist.Khurda.
4. Divisional Personnel Officer, South Eastern Railway, Khurda Road, At/Po./Ps. Jatni, Dist.Khurda.
5. Divisional Commercial Manager, South Eastern Railway, Khurda Road, At/Po/PS.Jatni, Dist. Khurda.

... RESPONDENTS.

By legal practitioner M/s. B. Pal, Senior Counsel (Rlys.)

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction to the Respondent No. 4 i.e. Divisional Personnel Officer, SE Railway, Khurda Road to fillup the post of Headclerk in pursuance of Annexures-1 & 2. By way of interim relief, it was prayed that pending adjudication of this Original Application, Respondent No. 4 be directed to give ad-hoc promotion to applicant to the post of Head-clerk. On the day of admission, of this petition, on 5.10.1993, prayer for interim relief granting thereby Ad-hoc promotion to applicant was rejected subject to condition that the result of this application would govern the future service benefits of the applicant.

2. Applicant's case is that after restructuring of the Ministerial cadre, certain posts of O.S. Gr.I and OS, Gr.II, have been filled up by promotion from the lower grade resulting in vacancies in the postsof Head Clerk. Applicant is working as a Senior Clerk and the next promotion from Senior Clerk is to the post of Head Clerk. Applicant has stated that inspite of vacancies in the postof Head clerk, Departmental Authorities are not taking any step to initiate the process of selection for filling up of the post of Head Clerk. He and others filed several representations but without any result. That his how, he has come up in this Original Application with the prayers referred to earlier.

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3. Respondents, in their counter, have stated that the number of posts and vacancies indicated by applicant as per Annexure-2 is not correct. The order at Annexure-2 shows the ministerial cadre from Junior Clerk to O.S. Gr-I in the Commercial Department of Khurda Division including Bhubaneswar claims Office. This order dated 30.4.1993, at Annexure-2 has subsequently been changed in order dated 26.11.1993, enclosed to the counter of the Respondents, in which it has been decided by the higher authorities that claims office at Bhubaneswar is only an extension of the claims office of Headquarters and therefore, posts which are in the claims office at Bhubaneswar are treated as part of the cadre of the claims office at Headquarters. It was, therefore, submitted by Respondents, in their counter, that while computing the posts of Headquarters in Commercial Deptt., of the Khurda Division of S.E. Railway, the posts in Bhubaneswar claims Office, can not be taken into consideration. Respondents have further stated that the selection procedure for filling up of the posts of Headquarters in the Commercial Department is under process. It is further stated that applicant is the juniormost amongst the Senior Clerks and therefore, he can not come within the zone of consideration for being promoted to the post of Headquarters. On the above grounds, the Respondents have opposed the prayers of applicant.

J.JM
Clerk
J.JM

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4. This 1993 matter has come up for hearing today from the warning list notified morethan a month ago. Today when the matter was called, Shri P.C.Mohapatra, learned counsel for applicant was absent nor was any request made on his behalf seeking adjournment. As in this 1993 matter, pleadings have been completed long ago, it was not possible to drag on the matter indefinitely. we have, therefore, heard Mr.B.Pal, Senior counsel appearing for the Respondents and have perused the records.

5. Applicant's prayer is thata direction should be issued to the Respondent No.4 to fillup the post of Headclerk in pursuance of Annexure-2. Respondents in their counter filed in May,1994 have stated that action has already been initiated to fillup the posts of Headclerk. As this counter has been filed more than five years ago, by now the process of selection might have been completed and posts might have been filled up. As regards the prayer of applicant that the posts of headclerk may be filled up in pursuance of Annexure-2, Respondents have rightly pointed out that the vacancies in-dicated in the posts of Headclerk in Annexure-2, the posts in claims office which has later on, been separated from the Commercial Deptt. of Khurda Division of SE Rly and the posts in claims office have been taken to be a part of the cadre of the claims office at Headquarters. In view of this, Respondent No.4 can not fillup the posts of Headclerk in the claims office at Bhubaneswar. Prayer of applicant to go by Annexure-2 for filling up of the posts of Headclerk in

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Commercial Department, is therefore, held to be without any merit and is rejected.

6. In the result, therefore, the Original Application is disposed of in terms of the observations above. No costs.

(G. NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.

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