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(A)

OA. 239/95-

Serial No. of Order	Date of Order	Order with Signature
		<p><u>4. ORDER DATED 30-3-2001.</u></p> <p>Heard Shri D.R. Patnaik, learned counsel for the applicant and Shri B. Pal, learned Senior Counsel for the Railways and have also perused the records.</p> <p>For the purpose of considering this petition, it is not necessary to go into too many facts of this case. Applicant in this Original Application has prayed for a direction to the Respondents to promote him to the post of Switchman from the date other employees have been promoted on completion of their training at Sini.</p> <p>Respondents have filed their counter explaining the facts of this case. No rejoinder has been filed. Case of the applicant is that he is working as Liver-man Grade-A from 8.2.1993 in the scale of Rs. 950-1500/-. In response to a notice inviting applications for promotion to the post of Switchman in scale of Rs. 1200-2040/-, he applied along with others for appearing the selection test including written and viva-voce test and cleared the said test and was empanelled along with 18 other persons. These 19 employees including applicant were sent for training at zonal Training Centre, Sini in Bihar from 11.10.1993 to 30.11.1993. After completion of training, first ^{twelve} two persons from the</p>

Or. No. 1
dt. 10-5-95

Notice may be issued to all respondents by regd. post with A.D.

Path
19/5
5/19-5
A.O.

A.D. from
O & P. Parties
has returned

But there is no appearance from respondents side.

For admin-
strative

Path
19/5

12 each

A.D. to
21.6.95

for admin-
strative

Path
30/6

3 each

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O.A. 239/95-
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(B)

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
		<p>panel were promoted in order dated 13.12.1993 13.12.1993. These 12 employees at the time of their promotion to the post of Switchman had completed two years of service in the post of Liverman Gr.A. Respondents have stated that out of seven remaining persons five other persons whose name appeared against Sl.Nos.13 to 17 were also promoted to the post of Switchman in order dated 22.7.1994 when they had completed two years of service in the lower grade. Similarly after completion of two years of service in the lower grade one Shri Narendra Behera whose name appeared at Sl.No.18 was also given such promotion. Respondents have stated that the applicant would also have been entitled for promotion on completion of two years of service in the lower grade of Liverman Gr.A but he could not be promoted because Departmental proceedings were initiated against him at the conclusion of which in order dated 21.9.93 at Annexure-R/4 he was imposed with punishment of withholding his one increment for a period of two years without cumulative effect. This punishment was given effect to by withholding the increment of the</p>	<p>another two copies of application to be filed by the applicant's counsel, so that notice could be issued as per order dt. 21-6-95.</p> <p>For further order.</p> <p><i>[Signature]</i> 29/6 Registrar</p> <p>Order dt. 21.7.95</p> <p>None appears. One week time is granted to file requisites.</p> <p><i>[Signature]</i> Registrar</p> <p>Two copies of application has not yet filed.</p> <p>For further orders.</p> <p><i>[Signature]</i> 27/7 Registrar</p>

S. Som

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OA 239/95

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
		<p>applicant which fell due on 1.3.1994.</p> <p>Respondents have stated that this punishment had spent its force by ^{29.2.96}31.3.1996 and the applicant is therefore, entitled for promotion from 1.3.1996 ^{V.Nom}and the to the post of Switchman. We note that his increment was stopped for a period of two years from 1.3.94 to 1.3.1996 but according to the circular annexed by the applicant at Annexure-5 imposition of this punishment could not have the result of withholding of his promotion after expiry of punishment period. In view of this we direct the Respondents to promote the applicant to the post of Switchman after expiry of the punishment period in accordance with his position in the panel with all consequential benefits if not already done.</p> <p>with the above directions the O.A. is allowed. No costs.</p> <p><u>(S. NARASIMHAM)</u> MEMBER (JUDICIAL)</p> <p><u>KNM/CM.</u></p> <p><u>Somnath Som</u> (SOMNATH SOM) VICE-CHAIRMAN 30.8.95</p>	<p>Order dt 28.7.95</p> <p>None appears. One week as last chance is granted to file requisite.</p> <p>Registrar</p> <p>Two copies of Requisites has not yet filed by the applicant for further orders.</p> <p><u>gab</u> 3/8 2 registers</p> <p>Order dt 4.8.95</p> <p>Requisites not filed in spite of several adjournments.</p> <p>Place before Bench for further orders.</p> <p><u>SR</u> Registrar</p> <p>Two copies of requisites has not filed, for which no file as per order dt 21.6.95 could not be issued for further orders.</p> <p><u>gab</u> 19/8 2 copies</p>