

O.A.NO. 24 OF 1996.ORDER DATED 23-08-2002.

Heard learned Counsel for the Applicant and Mr.D.N.Mishra, Learned Standing Counsel for the Railways/Respondents and perused the records.

The Applicant, on being selected in the suitability test for promotion to the Post of Senior Booking Clerk/Sr. Parcel Clerk, his name was placed at Sl.No.11 in the merit list prepared by the Respondents on 24-7-1995. The applicant was, however, not promoted, while his juniors have been given promotion and aggrieved by his non-promotion, the Applicant has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the Respondents to promote him to the Post of Sr.Booking Clerk/Sr. Parcel Clerk from the date of his juniors were given such promotion with all consequential benefits.

The Respondents have filed their reply and have admitted that the Applicant had passed the suitability test and had been included in the panel for promotion but could not be promoted alongwith his juniors, who were promoted vide order dated 14-12-1995, as the Applicant was undergoing punishment for stoppage of increment/five years w.e.f. 1-7-1995 and as such, the applicant can be promoted only when the period of punishment is over which date is 01-07-2000.

During hearing, the Applicant's counsel has produced

4

with a Memo the orders passed by this Tribunal in O.A.Nos. 766/1994, 764/1994, 769/1994, 767/1994 768/1994, 770/1994 & 647/1996 in which the Applicant had challenged the punishment imposed on the Applicant in different disciplinary proceedings, and it is seen that in all these cases, the OAs had been allowed and orders of punishment quashed. Learned counsel for the Applicant submits that in view of the said development, he is now entitled for promotion from the date when his juniors were promoted with all consequential benefits. Neither the counsel for the Applicant nor the learned Standing Counsel for the Railways/Respondents are in a position to intimate/ indicate as to whether the Applicant had been promoted in view of the punishing having been quashed by this Tribunal. In view of the matter, this Original Application is disposed of permitting the applicant to give a detailed representation seeking the reliefs, as claimed in this O.A., to the Respondents within a period of one month and if such a representation is preferred by the Applicant, within the time stipulated above, the Respondents are directed to examine the same and pass a reasoned and speaking order as per law within a period of three months from the date of receipt of such representation.

No costs.

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

  
(V. SRIKANTAN)  
MEMBER (ADMINISTRATIVE)