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(OA 485/96)
(A)

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
		<p>Order dated 20.12.02</p> <p>This being Parthasarathy matter, Put up before the appropriate Bench.</p> <p>42 Member (S)</p> <p><u>Order dt. 04.02.2003</u></p> <p>In the present Original Application (under Section-19 of the Administrative Tribunals' Act, 1985), the Applicant had prayed for a direction to the Respondents to consider his representation under Annexure-01 dt. 01.02.1996; wherein the Applicant had prayed (to the Respondents) for promotional benefits.</p> <p>During pendency of this Original Application, as it appears from the counter filed by the Respondents, the Applicant has been granted promotion as Hd.B.C./Hd.P.C., in the scale of Rs.1400-2300/- under Annexure-R/1 dt. 27.02.1997. While granting promotional benefit under Annexure-R/1 dt. 27.02.1997, the Respondents have also given all consequential benefits as are available under Rule-228 of Volume-II of Indian Railways Establishment Manual; which is extracted as below:-</p> <p>" 228. Erroneous Promotions:- (1) Some times due to administrative errors, staff are over-looked for promotion to higher grades could either be on account of wrong assignment of relative seniority of the eligible staff or full facts not being placed before the competent authority at the time of ordering promotion or some other reasons. Broadly, loss of seniority due to the administrative errors can be of two types:-</p>	<p>Or. dt. 2.12.02</p> <p>Copy of order dt. 2.12.02 may be handed over to Mr. R. C. Rath, Asst.</p> <p>9/11</p> <p>Or. dt. 2.12.02</p> <p>For Hearing: Part-heard</p> <p>19/12</p> <p>Or. dt. 20.12.02</p> <p>For Hearing (Part-heard)</p> <p>12/12</p>

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

- (i) Where a person has not been promoted ~~at~~ all because of administrative error, and
- (ii) Where a person has been promoted but not on the date from which he could have been promoted but for the administrative error.

Each such case should be dealt with on its merits. The staff who have lost promotion on account of administrative error should on promotion be assigned correct seniority vis-a-vis their juniors already promoted, irrespective of the date of promotion. Pay in the higher grade on promotion may be fixed proforma at the proper time. The enhanced pay may be allowed from the date of actual promotion. No arrears on this account shall be payable as he did not actually shoulder the duties and responsibilities of the higher posts."

Since the Applicant has been given seniority over his juniors (in the promotional cadre) and notional pay fixations and annual incremental benefits in the promotional post for the intervening period as consequential benefits (as available under the Rules); there remains no issues to be answered by us in this case and, as a consequence, we dispose of this Original Application; after hearing the Counsel appearing for the Applicant and Mr. R.C. Rath, learned Standing Counsel appearing for the Railways. No costs.

Send copies of this order to both the parties.

(B. N. SOM)
VICE CHAIRMAN

(M. R. MOHANTY)
MEMBER (JUDICIAL)

Copy of order dt. 4.2.03
issued to all the respnts.
by posts. The same copy
of order issued to
the counsel for both
sides.

[Signature]
S.O.

my
25/3/03

AFR