

OA 62/02

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter by
R-1 & 3 not filed
Rejoinder to
Counter by R-2 & 4
not filed.

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Sd/- Registrar

Order dt. 12.10.04

Applicant is
absent on call. No steps
have been taken to
file rejoinder, R-1 and
R-3 are absent and
no steps have also
been taken to file
counter.

However, call on
1.11.04 for filing of
rejoinder, if any.

(Sd/-)
12-10-04
REGISTRAR

Counter by R-1 & 3
not filed.

Rejoinder to counter
by R-2 to 4 not filed.

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Sd/-

Registrar

Dt. 1.11.04

The learned counsel for
R-2 and 4 submits that counter by
R-1 and R-3 not necessary.

Time granted till 23.11.04 for
rejoinder.

(Sd/-)
11/11/04

Order dated 22.2.05

This O.A. has been filed by Shri Bishnu
Narayan Das presently working as Goods
Driver Loco, Sambalpur seeking direction from
the Tribunal to the Respondents to consider
his case for promotion to the post of Driver-A
(Passenger Driver) and to direct the Responde-
nts to grant him all consequential service
benefits.

We have heard Mr.D.Pattniak, Ld.Counsel for
the applicant and Mr.R.C.Rath, Ld.Standing
Counsel for the Respondents.

Applicant in response to the General Notice
dtd.24.3.99 issued by the General Manager,
South Eastern Railway (Annexure-1) calling for
option from the employees of South Eastern
Railways belonging to all trades, grades and
categories expressing willing ness to be
transferred to the Sambalpur Division on admi-
nistrative grounds. In the said notice it was
also mentioned that the optees were assured
protection of all their benefits regarding
service and seniority list. Accordingly,
applicant along with nine other DDA's working
at Kharagpur Division had applied for transfer
from KGP Division to SBP (Sambalpur) Division.
The grievance of the applicant is that althoug
gh he has been given the benefit of counting
his service from the date of his entry into
the Railways as DDA on 10.12.90, certain
officials in Sambalpur Division namely sarva-
sri T.K.Nandi, B.Ghosh, B.B.Sahu, P.K.Mandal
and L.K.Sahu who are junior to him being
appointed in the year 1995 in the department

Rejoinder not filed.
Sd/-
22/11/04 Registrar

O-A 62/02

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ORDERS OF THE TRIBUNAL

Order dt. 23.11.04

Ld. Counsel for the applicant is present. At the request of Ld. Counsel for the applicant time is granted till 7.12.04 for filing of rejoinder.

28/11/04

Rejoinder not

filed -

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6/12

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Order dt. 07.12.04

One of the Counsel for the applicant is on accommodation and the remaining 04 Counsel are absent. The Counsel for the Respondent is present. Despite several chances given to the applicant for filing of rejoinder the same has not yet been filed. In my considered view no further chance can be given to the applicant. Pleadings is deemed to be complete. List this matter before the Bench after showing it in the ready list.

in Sambalapur Division had been given promotion to the Grade of Goods Driver and thereafter they were called for trade test for further promotion to Passenger Driver. The applicant by virtue of the order of this Tribunal dtd. 15.4.02 was allowed to appear in the said trade test taken on 19.4.02 as an interim measure and subject to the outcome of this O.A.

The Respondents have filed a detailed counter and have pointed out that this O.A. has no merit. They have stated that the applicant, on his transfer to Sambalpur Division, has been given full service benefits in terms of para 311 of Indian Railway Establishment Manual, Vol-I. Not only that after he had joined Sambalpur Division, he has got two promotions first as Loco Shunter and thereafter as a goods Driver. His next promotion as Passenger Driver will be due with reference to his seniority in the grade of Goods Driver. They have also pointed out that the officials who have been called junior to him ^{by him,} namely, Sarvasri B. Ghosh, B.B. Sahu and others are in fact not junior to him but ~~were~~ senior in the grade of Goods Driver in the scale of Rs. 5000-8000, their seniority position being 20, 21, 29 and 34 as they were promoted as Goods Driver from 6.1.98, that is, ^{long} ~~lying~~ before the applicant was transferred to Sambalpur Division.

Having heard both the sides and having perused the records placed before us including ^{the} seniority list in respect of the Goods Driver in the scale of Rs. 5000-8000 in Mechanical Department

21/12/04

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

no. 22.12.05

Copies of order prepared for counsels for both side.

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(Annexure-R/2) we have no doubt that this application is mis-conceived and we have also constraint^{to} pointed out here that the applicant has not made any of the officials mentioned as parties to the O.A. and therefore no relief otherwise also was available to him in this regard.

This is a fit case ^{where} ~~that~~ we should have imposed cost on the applicant. However we have not proposed to do so ^{at present}. The OA dismissed for the reasons stated above.

Member (J)

Vice-chairman ^h