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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.994 OF 2002

Cuttack, this the 27th day of Feb. 2003.

Dr. H.S. Barik & Others

Applicant

Vrs.

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 ? *Yes*

Jasel
27/02/03

(M.R. MOHANTY)
MEMBER (JUDICIAL)

Suran
(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)

1. Dr. Himansu Sekhar Barik, aged about 37 years, Son of Radhamohan Barik, At/Po-Totapada, P.S. Baisinga, District-Mayrbhanj, at present posted at Sambalpur as Divisional Medical Officer, S.E. Rly. , P.O./P.S./Town & Dist- Sambalpur.
2. Dr. Jaganath Jena, aged 38 years, son of Dologobinda Jena At/P.O.- Patanail, Rahama, P.S.- Tirtol, District-Jagatsinghpur, at present posted as Divisional Medical Officer, At-Sambalpur, P.O./P.S./Town & District-Sambalpur.

.....Applicant

By the Advocate(s) **M/s. S. C. Ghosh**
S. Ghosh,
P.C. Das

Vrs.

Union of India represented through;

1. Union of India, represented by the Secretary in the Ministry of Railways, New Delhi.
2. General Manager, South Eastern Railway, Garden Reach, Calcutta-43, Munsifi-City Civil Court, Calcutta.

..... Respondent(s)

By the Advocate(s) - **Mr. R.C. Rath (R-2)**

O R D E R

SHRI B.N. SOM, VICE-CHAIRMAN:

This Original Application under Section 19 of the Administrative Tribunal Act, 1985 has been filed by (1) Dr. H.S. Barik (2) Dr. J. Jena, working as Assistant Divisional Medical

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Officer, South Eastern Railways, Sambalpur. Their grievance is that although under the orders of the Railway Board dt.23.01.1990 the petitioners are to be promoted as Divisional Medical Officer (in short DMO) on completion of four years of regular service as Assistant Divisional Medical Officer (in short ADMO), and by virtue of which the petitioners were to be promoted, one in November, 1999 and another in January, 2000, have not yet been given promotion and financial benefits from the due dates. Aggrieved by this inaction on the part of the Respondents they have approached this Tribunal for redressal of their grievance.

2. It is admitted that both the applicants were working as ADMO in the South Eastern Railway even after completion of four years of regular service. The Respondents by filing counter have confirmed that the applicants got their promotion from Junior Time Scale (Grade of ADMO) to Senior Time Scale (Grade of DMO) w.e.f. 16.11.1999. They have further stated that although as per the instruction of the Railway Board, Junior Scale Doctors will get promotion to Senior Scale on completion of four years of service but the promotion become effective from the date the panel is approved by the competent authority. Accordingly, both were promoted from 16.11.1999 in stead of promoting applicant No.1 w.e.f. 04.11.1998 and applicant No.2 from 20.11.1999. Mr. R.C. Rath, Ld. Standing

Counsel for the Railways stated that it always takes time for processing the cases of promotion by convening DPC and obtaining approval of the competent authority to the recommendation of the DPC. This explains for the time gap between the date of acquiring eligibility for promotion to senior time scale and the date of actually getting effect of the higher scale. Mr. S.C. Ghosh, Ld. Counsel for the applicant stoutly argued that according to the Railway Board Order in the matter and also the decision of this Tribunal in O.A. No.38/2000 the date of promotion to Senior Time Scale should always date back to the date when the Govt. servant completes four years of regular service in the Junior Time Scale.

3. In O.A. No.38/2000 decided on 20.01.2000 we had examined this issue as to whether the date of promotion to Senior Time Scale should relate to the date when a Govt. servant completes four years service in the Junior Scale. After hearing both the sides and perusing the Railway Board instructions in the matter, we allowed the O.A 38/2000 directing the Respondents to give promotion from Junior Time Scale to Senior Time Scale w.e.f. the date they had completed four years of service in the Junior Scale. It was also ordered that they should be entitled to get consequential financial benefits. As we have already settled the law in the matter in that Original Application, we allow this Original Application directing the Respondents to grant

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promotion to Senior Time Scale from the date the applicant completed four years of regular service in Junior Time Scale. No costs.

T. Mohanty
27.02.03
(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.N. Som
(B.N. SOM)
VICE-CHAIRMAN

CAT/CUTTACK
Kalpeswar