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O.A. No. 572 of 2010

Nirakar Das.....Applicant

Vs

Union of India & Ors....Respondents

Order dated: 07.10.2010

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (A)

Heard Mr. D.K.Sahoo, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Railways, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. The applicant has moved an Misc. Application No. 652/10 for impleadig Shri S.J.Lohakare, Public Relation Officer, Central Railways, Pune Divisional Office, Pune, Maharashtra as Respondent No.6, as in the present O.A. the applicant has prayed for quashing of Annexure-A/7 under which Shri Lohakare has been promoted to Sr. Scale (adhoc).

3. The prayer for impleading Shri Lohakare as Respondent No.6 is allowed. M.A. 652/10 is accordingly disposed of.

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4. The applicant, who is working as Public Relation Officer in the East Coast Railways, Bhubaneswar has challenged the Circular dated 29.02.2008 issued by the Railway Board at Annexure-A/1 relating to consolidated instructions governing officiating promotion from Group 'B' to Sr. Scale on ad hoc basis. In para 7.1 of this Circular, some of the Departments have been grouped for the purpose of making panels for ad hoc promotion to senior scale so that the Group 'B' officers of all units have an opportunity to get promotion to senior scale on ad hoc basis. One such department is Public Relation Department in which the following have been clubbed:

PUBLIC RELATION DEPARTMENT

ECR, NCR, NFR, &ER	ER
ECOR,SECR, CR, WCR & SER	SER
DLW, NER, NR & CLW	CLW
WR, NWR, RCF & METRO	METRO
SCR, SWR, RWF, ICF, SR	SR

(No. E(GP)81/1/91 dated 29/8/1990)
(No. E(GP) 96/1/11 dated 3/9/1996)
(No. E(GP) 2003/1/7 dated 5/6/2003)
(No. E(GP)2004/1/8 dated 13/9/2004)
(No. E(GP)2004/1/8 dated 25/8/2005)
(No. E(GP)2004/1/8 dated 31/10/2006)
(No. E(GP)2004/1/8 dated 18/1/2008)

5. The contention of the applicant is that E. Co. Railways having been created in 2003, one post of senior scale PRO, Group-B has been created to offer promotional

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opportunities to the employees of E.Co.Railways. The applicant having put in 8 years of service as PRO in the E.Co.Railways and being the senior-most employee in the P.R. Department of E.Co.Railways was expecting the promotion against the newly created post but his chances of promotion are being scuttled due to the grouping of Railways as per the instructions cited above.

6. Ld. Counsel for the applicant submits that though an order has been issued vide Annexure-A/7, the incumbent is yet to report to the E.Co.Railways, hence this order issued on 29.07.2010 has not yet been effected. In the above premises, the applicant has sought following reliefs:

- “(a) to quash the Railway Board’s order no. E(GP) 2007/1/97 dated 29.02.2008 and the Office Order No. 161/10, dated 29.07.2010, vide Annexures-A/1 and A/7.
- (b) To direct that the PRO cadre of the East Coast Railway should remain separate from the group as has been the policy in respect of some other railways.
- (c) To pass any other order or orders as may deem fit and proper in the interest of justice.”

Ld. Counsel for the applicant submits that Respondent No.6 has not yet joined the E.Co.Railways. Therefore, he has also sought an interim order as under:

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"...to pass an interim order of stay vide Annexures-A/1 and A/7."

7. A perusal of records reveals that the applicant has been making representations to the higher authorities in the E.Co.Railways like Chief Personnel Officer vide Annexures-A/5 and A/6 and also in a joint petition addressed to the Chairman, Railway Board on 10.08.2010 vide Annexure-A/4.

8. The applicant, further by filing a copy of the order of Jabalpur Bench of this Tribunal in O.A. 405/07 submits that the Grouping has been changed in case of Law Department. He, accordingly, prays that similar dispensation should be given to the Public Relation Department in case of E.Co.Railways.

9. As the representations filed by the applicant are pending with the Chairman, Railway Board as well as the C.P.O., E.Co.Railways, at this juncture, ends of justice would be met, if a direction is issued to the Chairman, Railway Board and the C.P.O. of E.Co.Railways to consider the representations and take a final decision in the matter in regard to the Grouping of Railways for preparation of a panel for promotion to senior scale in respect of Public

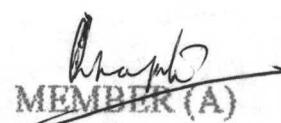
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Relation Department against the vacancy available in the E.Co.Railways. Hence, the Chairman, Railway Board, to whom the joint petition has been addressed, shall dispose of the pending representation with a reasoned order within a period of 3 months.

10. So far as the interim prayer is concerned, the order at Annexure-A/7 shall be kept in abeyance till the decision of the Chairman, Railway Board on the pending representation provided Respondent No.6 has not joined the promotional post as Sr. PRO in the East Coast Railways at Bhubaneswar.

11. With the above observation and direction, without going into the merits of the case and as agreed to by the Ld. Counsel for the parties, the O.A. is disposed of.

12. Send copies of this order, along with copies of the O.A., at the cost of the applicant for which Ld. Counsel for the applicant undertakes to deposit the postal requisites in course of the day, to the Respondents and free copies of this order be also supplied to the Ld. Counsel for the parties.


MEMBER (A)