

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
OA 895/1996

Calcutta this the 13th day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S. Biswas, Member (A)

Manoranjan Debnath,
Son of late Manomohan Debnath,
residing at Prachin Mayapur,
(Nutanpara) P.O. Nabadwip, Distt.,
Nadia, West Bengal at present
residing at Kalibadi Road,
Brindavan Colony, P.O. Jagdalpur,
Distt. Bastar. State Madhya Pradesh.

..Applicant

(None for the applicant)

VERSUS

1. Union of India, through the
Chairman, Railway Board, Ministry
of Railways, Railway Bhawan,
Rail Bhawan.
2. The General Manager, South
Eastern Railway, GRC, Calcutta
3. The Chief Personnel Officer,
Garden Reach, Calcutta-43.

.. Respondents

(By Advocate Shri A.K. Dutta)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

None has appeared for the applicant even on ^{the 1st} second call.

We note that on a number of previous dates i.e. from 1.1.2002
none has been appearing for the applicant except on 7.7.2002, when
only proxy counsel for the applicant had appeared. In the
circumstances, the OA could have been dismissed for default and
non-prosecution. However, we have seen the pleadings on record
and heard Shri A.K. Dutta, learned counsel for the respondents.

2. The claim of the applicant in the present case is for
promotion against one of the restructured ^{1st} posts. There were six
posts in the higher scale due to cadre restructuring ^{and 1st} the
applicant's name appeared at Serial No.7. Therefore, he

not be considered for promotion against one of the posts in the higher scale after restructuring. In the rejoinder filed by the applicant, he has submitted that he had retired from service on 31.5.1994. He has also submitted that his name had appeared in the list of promotion in the Circular issued by the Chief Personnel Officer, South Eastern Railway dated 1.6.1994 at Sl.No.7. The promotion to the first six persons has been given w.e.f.1.3.1993 and the remaining twelve persons with immediate effect i.e. with effect from 1.6.1994.

3. We note ~~from~~ the Railway Board letter dated 7.4.1993 (Ann.R.1), wherein they have issued clarifications on cadre restructuring of Gr. 'C' and 'D' employees with reference to their earlier letter dated 27.1.1993. Learned counsel for the respondents has very vehemently submitted that ^{the} modified selection procedure had to be followed in the case of employees who had not come within the 6 posts which resulted on restructuring. Admittedly, the promotion orders were issued with regard to employees who were given the benefits of promotion under the restructuring order w.e.f. 1.3.1993. However, it is noticed from the letter issued by the respondents dated 1.6.94 that persons whose names appeared from Serial numbers 7 to 18 (serial No.7 ~~is~~ being that of the applicant) have been given the promotion with immediate effect i.e. from 1.6.1994. This date is also one day after the applicant had retired from service on 31.5.1994. While we see some merit in the submissions of the learned counsel for the respondents that the aforesaid orders of the Railway Board dated 27.1.1993 regarding restructuring of posts and considering eligible persons for promotion against these posts would have taken some time, we see no reason why the letter dated 1.6.1994 could not have been issued much earlier. If, as submitted by the learned counsel for the respondents, the persons who were considered for promotion, like the applicant

against other posts, after the restructuring had been completed, had been done in time the same ought to have been completed within a reasonable time, say three months after 1.3.1993.

3. In the result, for the reasons given above, the OA is partly allowed with the following directions:-

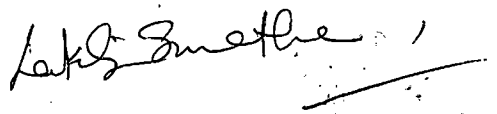
(i) As the respondents have already placed the applicant's name at Serial No.7 on the promotion list dated 1.6.1994, he shall be granted notional fixation of pay in the higher post of Signal Inspector, Grade 1 w.e.f. 1.6.1993;

(ii) Accordingly, the respondents shall pay the arrears of difference of pay in the higher post from 1.6.1993 till the date of retirement of the applicant from service on 31.5.1994. He shall also be entitled to revision of pensionary benefits in accordance with law, rules and instructions. This shall be done within three months from the date of receipt of a copy of this order.

No order as to costs.


(S. Biswas)

Member (A)


(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

sk