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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH

Date of Order 25.9.95.

O.A. No. 404/1995.

Narpat Singh

....Applicant.

Versus

Union of India and others

....Respondents.

CORAM: HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.  
HON'BLE MS. USHA SEN, ADMINISTRATIVE MEMBER.

For the applicant - Mr. S.N. Trivedi, advocate.

O R D E R (ORAL)

(Hon'ble Ms. Usha Sen, Administrative Member)

Heard the learned counsel for the applicant.

2. The case of the applicant is that after he was medically declassified for the post of Skilled Grinder Gr. II, he was absorbed as Junior Clerk in a lower medical category. The pay scale of Junior Clerk was Rs. 950-1500 which was lower than that of Skilled Grinder Gr. II. The applicant has averred that in terms of Para 1306(6) and Para 1314-A of the Indian Railway Establishment Manual, 1989, he was to be assigned seniority in the grade of Junior Clerk with effect from the date he was drawing pay in a scale equivalent to that of Rs. 950-1500. The applicant had joined duty as Junior Clerk on 30.8.91. The applicant was, however, not assigned the seniority in terms of the aforesaid paras of the Indian Railway Establishment Manual Vol.-I. He, therefore, represented in the matter. On receipt of the representation, the Respondent No. 3 sent a letter to Respondent No. 4 proposing to assign seniority

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to the applicant with effect from 19.5.87, the date from which he had been promoted to the matching scale of Rs. 950-1500 as Skilled Grinder Gr. III. In terms of this proposal a notification was issued inviting objections to the proposal to assign seniority to the applicant as aforesaid. Two employees raised objections, namely, Shri Shiv Kumar Pareek and Shri Pawan Kumar Khatri. After considering their objections the Respondent No. 3 rejected the same and these employees were informed accordingly vide the letter dated 17.1.95 at Annexure A/7. Vide another letter of the same date, the correct seniority was assigned to the applicant (Annexure A/6). However, by an order dated 6.2.95 (Annexure A/1) the order dated 17.1.95 ~~ibid~~ has been kept in abeyance. The applicant is aggrieved by this order. He has also made a representation to the concerned authority on 25.4.95 (Annexure A/8) which has not been replied to.

3. In the facts and circumstances of the case, we dispose of this O.A. at the stage of admission with a direction to the respondents to decide the representation dated 25.4.95 at Annexure A/8 on merits through a speaking order within 15 days from the date of receipt of a copy of this order. If the applicant is aggrieved by any decision taken on his representation, he may file a fresh Application. The O.A. is disposed of accordingly.

*Usha Sen*  
( USHA SEN )  
ADMINISTRATIVE MEMBER

*Gopal Krishna*  
( GOPAL KRISHNA )  
VICE CHAIRMAN