

Date of Decision: 14.8.96

OA 269/96

Dr. M.L. Gaur

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Y.K. Sharma

For the Respondents

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O R D E R

PER HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

Applicant, Dr. M.L. Gaur, presently Medical Superintendent of Northern Railway, Bikaner Division, joined the Railway Services on 10.4.73 after serving the Indian Army for over three years. He is highly aggrieved because of wrong assignment of seniority and fixation of pay.

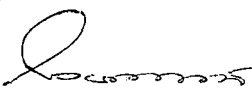
2. The applicant submits that he had represented earlier in 1986 that the pay and seniority of Ex ECOS/SSCOs officials, like him, now appointed in Railways against reserved vacancies, need be fixed after granting credit for services rendered in the Indian Army. The case of the applicant is also that after his representation, the General Manager-Northern Railway, vide his letter dated 24.6.88 (Ann.A-3), had refixed his seniority after counting the spells of the applicant's Army Services. Accordingly, he was placed below Dr. N.R. Dewan but above Dr. (Mrs.) K.Sudha Rao. The seniority position thus well settled in 1988 vide Ann.A-3 has since been altered vide Anns.A-9 and A-10 dated 7.6.94 and 16.6.94 respectively. As per applicant, this has affected his position adversely. Applicant apprehends that the Railway Board (the Ministry of Railway) while issuing Ann.A-9 might not have linked Ann.A-3 resulting in erroneous publication of seniority position by Ann.A-10 issued by the General Manager (P)/Northern Railway. Applicant, therefore, seeks issuance of^a suitable direction to respondents, particularly respondent No.2, to place his name in Anns.A-9 and A-10 as per decisions arrived earlier in Ann.A-3.

3. We find that the applicant had drawn attention of respondent No.2 in respect of classified list of 1993, wherein his name figured below Dr. N.R. Dewan and above Dr. (Mrs.) K.Sudha Rao. Applicant alleges that the position, as indicated in the classified list, has not been properly


examined while taking subsequent actions. We find that the applicant had sent representation (Ann.A-1) dated 1.7.95 to the Secretary-Railway Board, respondent No.2 in this application. This was followed by another representation (Ann.A-2) dated 10.3.96. Unfortunately, respondents have decided to turn Nelson's eye on this important issue affecting service conditions of a senior official. It is to be remembered that the representations received ought to be disposed of within a reasonable time and are not meant to be kept in cold storage.

Under the above circumstances, respondent No.2 i.e. the Secretary (Estt.), Railway Board, is directed to consider the said representations of the applicant, as at Anns.A-1 and A-2, and pass a reasoned order in respect of applicant's request for revision of the seniority position. This may be done within a period of three months from the date of receipt of a copy of this order. Let copies of Anns.A-1 and A-2, representations dated 1.7.95 and 10.3.96 respectively, be sent to respondent No.2 alongwith a copy of this order. Respondent No.2 will do well to adhere to the time schedule and avoid a charge of wilful disobedience of the directions of this Tribunal. We make it clear that we have not expressed any opinion on the merits of this case. If the applicant is still aggrieved by the decisions of the respondents, of respondent No.2 in particular, he will be at liberty to agitate his legal claim with a fresh OA.

The Original Application stands disposed of, as aforesaid, at the admission stage.


(S.P. BISWAS)

ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK