

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH: JODHPUR.

O.A. No. 62/1997

Date of Order: 19.5.1998

Chander Pal s/o Shri Nanu Singh, r/o Q. No. 2193, New Medical Colony, Northern Railway, Jodhpur, presently working as Office Supdt. Grade II in the Operating Branch, DRM Office, Northern Railway, Jodhpur.

... Applicant

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.
3. Divisional Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.
4. Shri Kamal Kapoor s/o Shri Madan Lal Kapoor, presently working as Office Supdt. in the Operating Branch, D.R.M. Officer, Northern Railway, Jodhpur.

... Respondents

Mr. S.K. Malik, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

None present for respondent No. 4.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

Per Hon'ble Mr. Gopal Singh

Gopal Singh

Applicant, Chander Pal, has filed this application Under Section 19 of the Administrative Tribunals Act, 1985, mainly praying for a direction to the respondents to consider his case for promotion in the grade of Rs. 2000-3200 w.e.f. 1.1.1996 in the vacancy caused due to retirement of Shri Dularay Lal, with all consequential benefits.

2. We have heard the learned counsel for the parties and have persued the records. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The case of the applicant is that because of revision of the seniority in terms of the direction of the Railway Board Consequent upon Hon'ble the Supreme Court judgement in Veerpal Singh Chouhan's case, he has been made junior and as such has not been considered for promotion to the post of Office Supdt. Grade I. In reply, the respondents have submitted that the seniority list was revised in terms of the instructions issued by the Railway Board and the applicant was not eligible in terms of the instructions for promotion to the post of Office Suptd. Grade I and as such his name was not considered. On subsequent direction from the Railway Board, the seniority list was again revised and the applicant gained original seniority by which he was declared eligible for promotion to the post of Office Supdt. Grade I. It has also been stated by the learned counsel for the respondents that by the time revised seniority list was issued a departmental enquiry was going on against the applicant and as such he could not be promoted. On completion of the enquiry proceedings, a minor penalty with-holding one set of passes was imposed upon the applicant and thereafter the applicant has been promoted as Office Supdt. Grade I vide order dated 14.5.1998. The claim of the applicant is that because of the earlier revision of seniority list many of his juniors have got promotion to the post of Office Supdt. Grade I. Since the applicant was eligible in view of the latest revised seniority list for promotion to the Office Supdt. Grade I, it would be just and proper that he is given promotion from the date the next junior has been promoted. It is an admitted fact that as on 1.1.1996 when a vacancy in the cadre of Office Supdt Grade I was available for reserved category candidate, no disciplinary proceedings were there against the applicant. We thus find the application has much force and deserves to be allowed.

4. We, therefore, direct the respondents to consider promotion of

Chander Pal

the applicant to the post of Office Supdt. Grade I as per the present instructions regarding post based reservation roster with all such benefits as may be admissible under rules. This exercise shall be completed within four months from the date of this order.

5. The application is disposed of accordingly with no order as to costs.

Gopal Singh
(Gopal Singh)

Administrative Member

Gopal Krishna
(Gopal Krishna)
Vice Chairman

Aviator/