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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR.

OA No.72/98

Date of Order : 29.06.01

Joravan Ram Shastri S/o Shri Jagar Deo Ram Harijan
Retired Divisional Controller of Stores Northern
Railway, Bikaner, Address C/o Shri Shiv Kumar Thanvi,
Joshiwara, Bikaner (Rajasthan)

...APPLICANT

VERSUS

1. Union of India through General Manager,
Northern Railway, Headquarters, Baroda House
New Delhi.
2. The General Manager (Personnel) Northern
Railway Headquarters, Baroda House, New Delhi.
3. Railway Board through Secretary Railway Board,
Rail Bhawan, Rafi Marg, New Delhi.
4. Shri Deo Lal Senior District Controller of Stores,
Northern Railway, Divisional Office, New Delhi.
5. Shri T.D. Ram Senior Divisional Controller of
Stores, Northern Railway, Divisional Office,
Allahabad (U.P.).
6. The Divisional Railway Manager, Northern Railway
Bikaner (Raj.).

..RESPONDENTS

Mr. Bharat Singh, counsel for the applicant.

Mr. Vinit Mathur, counsel for the respondent No.1,2,3 & 6

None present for the respondents No. 4 & 5

CORAM

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. A.P. Nagrath, Administrative Member.

ORDER

(per Hon'ble Mr. A.P. Nagrath)

The applicant has filed this OA under Section

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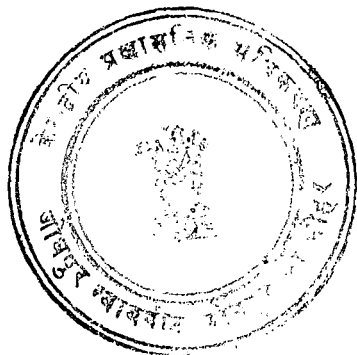


19 of the Administrative Tribunals Act, 1985 praying for the following relief-

(i) That Hon'ble Tribunal may please quash order No.728E/364/EIA (Annexure A/1) and Notice 940E/DE/DCOS/ETC/X dated 19/6/1997 (Annexure A/2) and GM(P) letter No.940E/18/XX/EA dated 17.6.97 being irregular, improper and unconstitutional.

(ii) That Hon'ble Tribunal may direct respondents to consider and promote applicant on the post of Junior Administrative Grade 'A' on the post of Deputy Chief Controller of Stores or Senior Divisional/District Controller of Stores in Scale Rs.12,000-375-16500 (Revised Scale) w.e.f. dated 19.6.97 with all consequential and monetary benefits.

(iii) That Hon'ble Tribunal may direct respondent to revise Pensionary benefits including Pension, Gratuity commutation of Pension, Leave Encashments and other money benefits w.e.f. 31.1.98 when applicant was retired from Railway Service on superannuation.



2. The applicant's case is that he was senior to Shri T.D. Ram and Shri Deo Lal in Group 'C' and in Group 'B' service. His grievance is that his junior T.D. Ram was promoted to Junior Administrative Grade 3700-5000 w.e.f. 16.8.1994. Similarly Shri Deo Lal was promoted to Junior Administrative Grade but the applicant was not considered for such promotion. He made a representation to the department vide letter dated 17.10.1997 and was informed vide the impugned order dated 12.11.97 Annexure A/1 that Shri Deo Lal was inducted in Group 'A' w.e.f. 1.8.90, whereas the applicant was inducted to group 'A' on 19.1.94. In that view, the respondents informed the applicant that he was junior to Shri Deo Lal in Group 'A' service. The applicant is aggrieved with this order as he claims that he was senior to respondents No.4 & 5 in Group 'B' service as Assistant Controller of Stores.

His plea is that he was senior in Group 'B' service and thus he should have been inducted in Group 'A' also earlier than Shri Deo Lal. The applicant retired from service on 31 January, 1998 as Divisional Controller of Stores.

3. In their written reply against the plea of the applicant, the respondents have stated that the applicant's representation dated 17.10.97 was duly considered and correct position advised to the applicant vide the impugned order Annexure A/1. It has been explained that promotion to Junior Administrative Grade is based upon induction to Group A/Junior Scale and the seniority position is based on date of increment in time scale. In the case of the applicant, the date of increment in time scale is 20.4.90 whereas this date of increment in time scale in respect of Shri Deo Lal is 3.6.87. Thus, the respondents contend, that in Group 'A' Shri Deo Lal was senior to the applicant and he was rightly inducted to Junior Administrative Grade. As the applicant was not entitled to be inducted to Junior Administrative Grade as per his seniority in Group 'A', he can have no grievance.

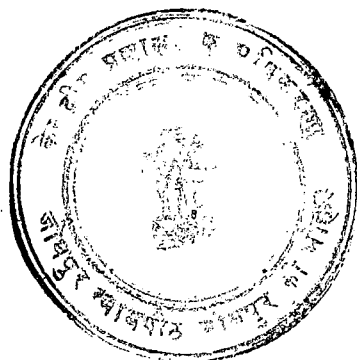
4. In the rejoinder filed by the applicant. It has been stated that the applicant was earlier not inducted to Group 'A' as some disciplinary proceedings were going on against him. In these proceedings, he was exonerated and he claims that he should have been inducted to Group 'A' on the basis of empanelment in Group 'B' from 1985. His stand is that since he was exonerated in disciplinary proceedings, he should have been inducted to Group 'A' prior to Shri T.D. Ram and Shri Deo Lal.

5. Heard, the learned counsel for the parties and perused the entire record. Learned counsel for the



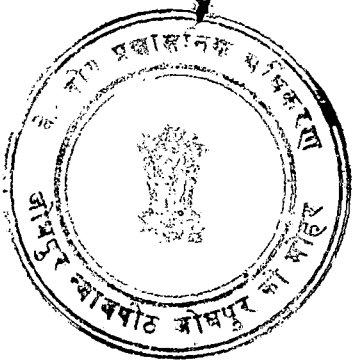
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respondents explained the procedure for promotion to Junior Administrative Grade as based upon the seniority of the Officers in Group 'A' service. In Group 'A' service part of the posts in Junior Scale are filled up by recruitment through UPSC and part of the posts are filled up by induction of Group 'B' Officers to Group 'A'. This process is through a DPC and the Group 'B' Officers inducted to Group 'A' are assigned date of increment in time scale giving retrospective effect based on the length of service in Group 'B', as provided under the Rules. The applicant was assigned date of increment in time scale as 23.4.90 and in this connection the learned counsel referred to Railway Board's letter dated 18.5.94 Annexure R/1. Shri Deo Lal was assigned date of increment in time scale as 3.6.1987 as he was brought to junior scale Group 'A' on 1.8.90. In this view, the learned counsel submitted that the applicant has no case in Group 'A'. Shri Deo Lal was senior and has rightly been promoted to Junior Administrative Grade. The learned counsel also stressed that when the respondents No.4 and 5 were inducted in Group 'A' those orders were never challenged by the applicant.



6. The contention raised by the learned counsel for the applicant was that since the applicant was senior in Group 'C' and Group 'B', he had right to be necessarily inducted in Group 'A' earlier than Shri Deo Lal and Shri T.D. Ram i.e. respondents No. 4 & 5. We do not find any merit in the arguments advanced by the learned counsel for the applicant. The induction in Group 'A' is processed through a DPC and those in the zone of consideration and considered fit are inducted. In the instant case, apparently Shri Deo Lal and Shri T.D. Ram were inducted to Group 'A' earlier than the

applicant and were assigned date of increment in time scale earlier than the applicant. Because of this reason ^{senior} they stood /in Group 'A' service and it is the seniors only who were inducted to Junior Administrative Grade. The applicant did not challenge induction of respondents No.4 and 5 in Group 'A' and he cannot raise any grievance now and claim any right at par with them or superior to them in respect of promotion to Junior Administrative Grade. The applicant has failed to make out any case in his favour, whatsoever, and the application is liable to be dismissed.



7. We, therefore, dismiss this application as ^{any} devoid of/merits. Parties are left to bear their own costs.

(A.P. Nagrath)
Admn. Member

29/6/2001

(A.K. Misra)
Judl. Member

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Part II and IH destroyed
in my presence on 2-4-07
under the supervision of
section officer as per
order dated 19/2/07

Section officer (Revenue)

