

I
8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH
JODHPUR

Date of order : 22.12.2000

Original Application No. 272/1999

S.L.Ramesha S/o Shri Moti Lal, aged about 40 years, Resident of 3-PH-4, Madnuban Colony, Housing Board Basti, Jodhpur, at present employed on the post of Senior Section Officer (Accounts), in the Divisional Accounts Office, Northern Railway, Jodhpur.

..... Applicant.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

2. Financial Advisor and Chief Accounts Officer (Adm), Northern Railway, Baroda House, New Delhi.

..... Respondents.

Mr.J.K.Kaushik, counsel for the applicant.

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

CORAM :

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

PER MR.GOPAL SINGH, ADMINISTRATIVE MEMBER :

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant, S.L. Ramesha, has prayed for quashing the impugned order dated 13.7.99 (Annex.A/1) and further for a direction to the respondents to consider the case of the applicant

Gopal Singh

for grant of due benefits under the re-structuring scheme for the year 1990, 1991 and 1992 as per his turn, with all consequential benefits.

2. Applicant's case is that he was initially appointed as Clerk Grade-II with the respondent-department and enjoyed his further promotion to the post of Section Officer (Accounts) with effect from 11.11.87 and he was further promoted as Senior Section Officer (Accounts) scale Rs. 2000-3200 with effect from 14.1.93. The respondent-department vide their letter dated 18.6.87 (Annex. A/2), introduced a re-structuring scheme for the Accounts staff. The distribution of posts of Section Officers (Accounts), in terms of this scheme was made as 80% in the pay scale of Rs. 2000-3200 and 20% in the pay scale of Rs. 1640-2900. The higher post carrying the pay scale of Rs. 2000-3200 was designated as Senior Section Officer (Accounts). The contention of the applicant is that the posts in the works accounts were not taken into consideration while applying the ratio of 80:20 and the same has resulted into denial of higher scale of pay Rs. 2000-3200 to the applicant in terms of this scheme, as he was eligible for consideration for promotion to the higher post since he had completed three years of service in the feeder post. It has been contended by the applicant that had the respondents taken the posts in the works accounts into consideration, the applicant would have been ~~considered~~ considered for promotion to the scale of Rs. 2000-3200. The Representation of the applicant in this regard, has been rejected by the respondents vide their letter dated 13.7.1999 (Annex A/1). Hence, this application.

Copy attached

.3.

3. In the counter, it has been stated by the respondents that on receiving a clarification dated 16.3.93 from the Railway Board for inclusion of post of Section Officer (Works), for distribution in the ratio of 80:20, necessary revisions were made and subsequently, all promotions were made as per the seniority list. The applicant was promoted as Section Officer in November 1987 and became due for Senior Section Officer in November 1990 but there were number of persons senior to him, who were waiting for promotion and all his seniors were promoted as such from November 1990 to January 1993. The applicant also, was promoted in January 1993 on his turn as per his seniority. It has, therefore, been averred by the respondents that the contention of the applicant is mis-conceived and the application deserves dismissal.



4. We have heard the learned counsel for the parties and perused the records of the case carefully.

5. It has not been contended by the applicant in this application that any of his junior has been given the benefit of the scale of Rs. 2000-3200 ignoring his claim. It has been clarified by the respondents that 22 posts of Section Officers of Works Accounts, were taken into account for applying the ratio of 80:20 and during the period from November 1992 to January 1993, the applicant could not have been promoted as his seniors were waiting for promotion. In the light of the above discussions, we do not find any merit in this application and the same deserves to be dismissed. The O.A. is accordingly dismissed with no orders as to cost.

Gopal Singh
(Gopal Singh)
Adm. Member

B.S. Raikote
(B.S. Raikote)
Vice Chairman

...

Revised copy
K.K. 2008
1/1/2008

R/Com
on 11/1
Date

Part II and III destroyed
in my presence on 31.12.07
under the supervision of
section officer as per
order dated 10.12.07

Section officer (record)