

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(9)
JODHPUR BENCH, JODHPUR.

O.A. No. : 42/1999

Date or Order : 13.3.2000

S.C. Mishra S/o Shri Shridhar Lal Mishra, aged about 45 years, resident of 8, Agarwal Quarters, near DRM Office, Bikaner, at present employed on the post of OS-II in the Engineering Branch, DRM Office, Bikaner, Northern Railway.

... Applicant.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
3. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
4. Shri Suresh Kumar, OS-II, Office of Asstt. Engineer, Sadulpur, Northern Railway.

.. Respondents.


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

Mr. Kamal Dave, counsel for the respondents No. 1 to 3.

None present for respondent No. 4.

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. JUSTICE B.S. RAIKOTE :

Though the matter was listed under the caption of admission but with the consent of both the counsel, we dispose of this application on merits.

2. This application is filed for quashing the order dated

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30.12.1998 vide Annexure A/1 so far it relates to the applicant. The grievance of the applicant is that the seniority list vide Annexure A/1 is prepared regarding the OS grade II in pursuance of the direction of this Tribunal dated 10.9.1998 in OAs No. 173/1997, 174/1997, 200/1997 and 209/1997 but inspite of the direction of this Tribunal in said order, he has not been promoted to the grade of OS-II from 01.3.1993. The respondent department also admits that the case of the applicant could not be considered because the Writ Petition was pending before the High Court. Now it has been brought to our notice that the High Court has disposed of the Writ Petition and vide proceedings No. P-I/852E/Selection/AS/Engg. dated 02.2.2000. Now the competent authority has decided to implement the decision of this Tribunal dated 10.9.1998. There is already a direction that the applicant who was at serial No. 12 of the seniority list was also entitled for OS grade II. Since the Northern Railway, Bikaner Division has already decided to implement the said order dated 02.2.2000 vide proceedings referred to above, it is clear that the applicant's case need to be considered as per the direction of this Tribunal in order dated 10.9.1998. In the circumstances, the applicant is getting the relief what he has already prayed for in this application. The fact remains that this Tribunal has already directed the concerned authorities to consider the name of the applicant which is listed at serial No. 12 of the seniority list. In the circumstances, we direct that the applicant should also be promoted in terms of judgement of this Tribunal dated 10.9.1998, as per the position as on 01.3.1993. In the circumstances, we pass the order as under :-

The application is disposed of with the observation that the applicant is entitled to all the benefits of the judgement of this Tribunal dated 10.9.1998 and the respondents are hereby directed to implement the same within a period of three months from

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the date of receipt of a copy of this order.



(Signature)
(GOPAL SINGH)
Adm. Member

(Signature)
(B.S.RAIKOTE)
Judl. Member