

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.812 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

1. Ujjal Kumar Mukherjee, s/o late Santosh Mukherjee, aged about 41 yrs. working as Pharmacist Gr.II under ADMO/Sittaranpur, E. Rly., R/a Qr.No.53A, Station Road, Sitarampur, Distt. Burdwan

2. Nirmal Kumar Sannyal (N.K. Sannyal), s/o Late Bimal K. Sannyal aged about 45 yrs., working as Pharmacist Gr.II at Domohani Health Unit, E. Rly. under D.M.O./ Asansol and r/o Qr.No.838 11/17 Domohany Rly. Colony, P.O. Kalla (via Asansol), Distt.Burdwan

...Applicants

VS

1. Union of India, through, the General Manager, E. Rly., Calcutta-1

2. The Divisional Railway Manager, E. Rly. Asansol-713 301

... Respondents

For the Applicants: Mr. B. Chatterjee, counsel

For the Respondents: Mr. C. Samaddar, counsel

Heard on 24.3.1998

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Date of order: 24.3.1998

O R D E R

B.C. Sarma, AM

Two applicants have jointly filed this application claiming the benefit of promotion from Pharmacist Gr.II to Pharmacist Gr.I. The applicants contend that they are both functioning as Pharmacist Gr.II under the respondents in different units of the Eastern Railway. Pursuant to an order of this Tribunal passed on 27.4.95 in OA 1451/94 one Md. Mumtaz Ahmed was given promotion to the post of Pharmacist Gr.I. It is the categorical averment of the applicants that they are senior to said Md. Mumtaz Ahmed and their case should be considered by the authority and hence this petition.

2. Mr. Samaddar, learned counsel appearing for the

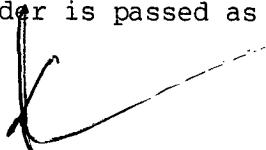
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respondents prays for time to file the reply. However, since a simple prayer has been made in this application, we are of the view that no further time should be allowed and the matter should be disposed of at the stage of admission itself.

3. We have heard the submissions of the learned counsel of both the parties and perused the records. Our attention has been invited to Annexure/A1 at page 8 of the application which clearly shows that both the applicants are senior to Md. Mumtaz Ahmed whose name occurs at Sl. No.4 of the provisional seniority list of Pharmacist Gr.II in the scale of Rs.1400-2600/- (RP) as published on 20.11.84. We have perused the order dated 27.4.95 passed in OA 1451/94 and we find that the Court has passed a direction on the respondents to give promotion to said Md. Mumtaz Ahmed. The applicants claim similar benefit and Mr. Chatterjee submits that the application be considered as a representation and be disposed of in the light of the order dated 27.4.95 passed in the said OA.

4. In view of the above position the application is disposed of with a direction that the respondents shall treat this instant application as a fresh representation filed by the applicants and shall consider their case for promotion to Pharmacist Gr.I keeping in view the order dated 27.4.95 passed by this Tribunal in OA 1451/94 and the various contentions made by the applicants herein. If as a result of such consideration, the applicants are found similarly circumstanced as said Md. Mumtaz Ahmed and also get promotion to the post of Pharmacist Gr.I, they shall be given promotion accordingly with effect from the date on which Md. Mumtaz Ahmed was given promotion. The above action shall be taken by the respondents within a period of three months from the date of communication of this order.

No order is passed as regards costs.



(D. Purkayastha)

MEMBER (J)

24.3.1998



(B. C. Sarma)

MEMBER (A)

24.3.1998