

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
No.O.A.99/1997

Date of order : 26.8.2004

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr. N.D. Dayal, Administrative Member

NARENDRA CH. NAHAROY
VS.
UNION OF INDIA & ORS.

For the applicant : Mr. S.K. Dutta, counsel
For the respondents : Ms. U. Sanyal, counsel

O R D E R

Per Justice B. Panigrahi, V.C.

The applicant in this case has already retired from service sometime in 1997. From the averments made in the application it has, however, appeared that he joined as a skilled Khalasi(casual) under S.E. Railway on 10.7.1957. In course of time he was appointed as Store Issuer at Gondia. Subsequently he was also appointed as a Material Clerk with effect from 1.10.1972.

It appears that he was promoted to the post of Junior Clerk on 8th August, 1973. He was enjoying high reputation and worked with utmost diligence, sincerity and efficiency. Thereafter he was promoted to the post of Sr. Clerk. The channel for his promotion from the post of Sr. Clerk is assigned to the post of Head Clerk. He made a representation for his promotion to the post of Head Clerk some time in 1988, but the authorities concerned have informed him that since he did not attain such seniority in 1988, therefore, his promotion to the post of Head Clerk did not arise then. In the meanwhile he retired from service in 1997. It is not known whether from 1988 till 1997 did he get his seniority to claim the post of Head Clerk or not.

3. From the reply filed by the respondents it appears that the applicant was initially appointed as Skilled Khalasi(Casual) and thereafter he was appointed as Store Issuer under the control of Chief

Engineer, Bilaspur. He was confirmed in the post of Store Issuer in the scale of pay of Rs.225-308/- with effect from 1.4.1973 against 40% PCR post sanctioned under CE(Con)BSP. The seniority of the staff under CE(Con)/GRC is being maintained separately for the staff posted at Head Quarters at GRC, therefore, he was interpolated to this unit and accordingly he was promoted as Sr. Clerk with effect from 3.4.1987. The applicant would not have got a chance to be promoted to the post of Head Clerk since he did not attain that seniority to claim the post of Head Clerk.

4. Since the seniority list is not before us to determine the inter se seniority of the applicant vis-a-vis his counterparts so as to determine whether any of the junior to the applicant has been given promotion to the post of Head Clerk or not, we are unable to take decision in this regard. If the rule was that the employee who subsequently joined at Headquarter GRC would not have claimed the seniority, then the applicants' claim to the post of Head Clerk cannot be maintainable but this matter is pending with the authorities to take decision upon a representation purported to have been submitted by the applicants vide Annexure A-3 dated 11.3.1996.

5. Therefore, we hereby direct the respondents to consider the representation dated 11.3.1996(Annexure A-3) to the application and pass reasoned and speaking order on the same within 4 months from the date of communication of this order and communicate the decision to the applicant within 2 weeks thereafter.

6. With the above observation the application is dismissed. No order as to costs.



MEMBER(A)



VICE-CHAIRMAN