

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 444 of 1991(L)

Shabbir Husain Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,V.C.)

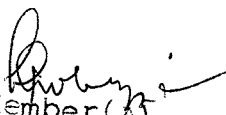
The applicant, at present, is employed as Enquiry Cum-Reservation clerk in the Commercial Cadre of Northern railway and is posted at Lucknow. He was selected for the post of Coaching Clerk and was sent for necessary training at Chandausi and thereafter was designated as Coaching Clerk and posted on Delhi Division. He was put to officiate on the post of Enquiry-Cum-Reservation Clerk carrying grade of Rs. 330-560(now revised to Scale Rs. 1200-2040) on adhoc basis. He was paid officiating pay in the aforesaid Grade Rs. 330-560 from the date of his posting as Enquiry-Cum-Reservation Clerk. According to the applicant his posting on Delhi Division was against his option already taken by the Railway Administration. The applicant agitated the matter by filing the representations. For Administrative work, the applicant was spared from Delhi Division and directed to join Lucknow Division w.e.f. 8.8.1979. The seniority of Enquiry-Cum-Reservation Clerks of all the Divisions of N.R. was combined. His service was said to have been regularised w.e.f. 6.7.1983. The applicant made a representation against the regularisation of his services on the post of Enquiry-Cum-Reservation Clerk grade Rs. 330-560(RS) from the date of issue of the aforesaid order. The


Contd..2/-

W

:: 2 ::

applicant was informed by the Divisional Personnel Officer that he cannot be given seniority prior to the date of his regularisation as Enquiry-Cum-Reservation Clerk. According to the applicant, he learnt that one Sunder Lal, Head Ticket Collector, similarly placed filed a Writ petition before the High Court for regularisation of his services after 18 months of his continuous officiating services and the said Writ petition was pending before the tribunal and it has been decided by the tribunal in his favour. The applicant filed a representation in this behalf, but his representation dated 28.5.1990 was not decided thereafter he filed a reminder dated 4.9.1990, but the Railway Administration remained silence over the matter. As the Railway Administration has still not decided the representation filed by the applicant. This application can be disposed of on this ground, the respondents are directed to dispose of the representation as referred to above within a period of 3 months taking into consideration his plea. The respondents will decide the representation in accordance with law assigning the reason for the same. With the above observations, the application is disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 14.12.1992

(RKA)