

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 324 of 2011

This the 11th day of August, 2011

Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A

Abdul Rahim, Aged about 62 years, S/o late Babu Khan, R/o H.No. 356/255/218, Ashraf Nagar, near Indian Gas Godown, Pal Tiraha, Alamnagar Road, Lucknow.

.....Applicant

By Advocate : Sri Amit Verma for Sri A. Moin

Versus.

1. Union of India through General Manager, N.E.R., Gorakhpur.
2. DRM, NER, Ashok Marg, Lucknow.
3. Divisional Railway Manager (Personnel), North Eastern Railway, Ashok Marg, Lucknow.

.....Respondents.

By Advocate : Sri Rajendra Singh

O R D E R (Oral)

By Justice Alok K Singh, Member-J

Heard the learned counsel for the parties and perused the material on record.

2. This O.A. has been filed for the following relief(s):

"(i) to direct the respondents to grant consequential benefits of promotions, fixation of pay etc. flowing out of the order dated 1.4.2011 as issued by the respondent no.3 promoting the applicant as ECRC w.e.f. 30.3.1987 with all consequential benefits.

(ii) to direct the respondents to promote the applicant as Head ECRC grade Rs. 1400-2300/- w.e.f. 29.1.1996 and as Deputy Chief Reservation Supervisor Grade Rs. 5500-9000/- w.e.f. 22.7.2004 as accorded to the applicant's junior with all consequential benefits including arrears of pay.



- (iii) *to pay the cost of this application.*
- (iv) *Any other order which this Hon'ble Court deems just and proper."*

3. We are not advertiring the factual matrix of the case, in detail, and also the other relief(s) in view of the fact that learned counsel for the applicant requests that this O.A. may be finally disposed of with a direction to the applicant to submit an exhaustive representation within stipulated period before the respondents and they may be directed to dispose of it expeditiously.

4. The factual matrix of the case, in short, is that earlier the applicant filed O.A. No. 471 of 1994 seeking directions for the respondents to regularize the services of the applicant from 30.3.1987 by treating his adhoc services as regular promotion to the post of Enquiry-cum-Reservation Clerk (ECRC) and also for quashing the directions contained in letter dated 1.6.1994 by means of which the applicant had been directed to be reverted to their original cadre and substantive post by terminating his adhoc appointment. At this stage, it may be noted that the applicant no.2 namely Faiyaz Ali did not press his O.A. Therefore, it was dismissed as mentioned in para 2 of the judgment of this Tribunal dated 19.9.2001 (Annexure02). Vide aforesaid judgment of this Tribunal, it was observed in the concluding paragraph that the post held by the applicant in the cadre of Commercial Clerk was also a feeder cadre from promotion to the post of ECRC. The respondents had permitted the applicant to work continuously on the post, in question, for more than seven years and, therefore, no justification was found to deny the claim of the applicant for his regularization on the post, in question. Finally, therefore, the aforesaid O.A. was allowed with direction to the respondents to regularize the services of the applicant on the post of ECRC from the date when he was working.

5. The respondents feeling aggrieved by the aforesaid order, went before Hon'ble High Court by filing Writ petition no. 589 (SB) of 2002, which was ultimately dismissed on 12.8.2010. Then, the respondents had no other alternative, but to comply with the order of the Tribunal and accordingly they complied with the order of the Tribunal by regularizing the services of the applicant on the

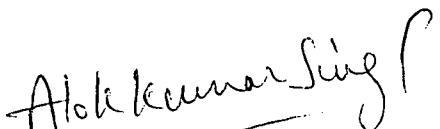
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aforesaid post w.e.f. 30.3.1987. But this order could be passed only on 1.4.2011 and by that time, the applicant has already retired from service. Now grievance of the applicant is that on account of long pendency of litigation, his juniors were promoted and the case of the applicant was not even considered because the aforesaid order regarding his regularization/promotion could be passed only on 1.4.2011. It is said that one Sri Syed Shahid Ali, junior to the applicant was considered for promotion w.e.f. 29.1.1996. He was further given promotion on 22.7.2004. It is claimed that the applicant is entitled to similar benefits of promotion, if there is nothing otherwise against him. But for redressal of his grievance, the applicant did not move any representation. Instead, he rushed to this Tribunal to file this O.A. Be that as it may. But now the aforesaid request is being made on behalf of the applicant, against which learned counsel for the respondents has no substantial objection.

6. In view of the above, this O.A. is finally disposed of with a direction to the applicant to submit an exhaustive representation within two weeks from today before the respondents/authorities concerned for redressal of his grievance in this regard and the respondents are directed to dispose of the said representation by means of passing a reasoned and speaking order within three months from the date of receipt of a representation. No order as to costs.



(S.P. Singh)
Member-A



(Justice Alok K Singh)
Member-J

Girish/-