

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No. 100/06

Patna, dated the 16th February, 2006

CORAM: The Hon'ble Mr. Justice P.K. Sinha, Vice-Chairman

Dr. B.R.Das, son of Late Sahdeo Das, resident of Flat No.201, Vdyambika Apartment, Manes Marg, Shivpuri, Patna, working as Medical Superintendent, EC Railway Hospital, Mughalsarai, under Chief Medical Director, EC Railway, Hajipur.

Applicant

By Advocate: Shri M.P.Dixit

versus

1. The Union of India, through the Chairman, Railway Board , Rail Bhawan, New Delhi.
2. The Director [Estt.], Railway Board, Rail Bhawan, New Delhi.
3. The General Manager, EC Railway, Hajipur.
4. The General Manager[P], EC Railway, Hajipur.
5. The Chief Medical Director, EC Railway, Hajipur.

Respondents

By Advocate: Shri A.A. Khan

ORDER

Justice P.K.Sinha, Vice-Chairman:-

Heard learned counsels for both the sides. The applicant had earlier came up before this Tribunal in OA 679 of 1998 for his promotion in the Senior Administrative Grade. From the order recorded by this Tribunal, it would appear that the learned counsel



for the respondents then had stated that the grievance of the applicant had already been redressed by the concerned respondents which submission was also confirmed by the learned counsel for the applicant while referring to the supplementary written statement filed on behalf of the respondents. That supplementary written statement is at Annexure-A/2 in which in para 2 it was mentioned that the Railway Board had reconsidered the matter and in pursuant to the judgment recorded in CA No.2478-79 of 2000 [Union of India v. Dr. Lalita S. Rao], had recast the seniority of the deserving candidates in which the case of the applicant was also considered and his seniority had been revised from Serial No.1495 to 920-W by the Railway Board' order dated 4.2.2002, also stating that the case of the applicant had been considered for consequential benefits arising out of re-fixation of seniority. The recast seniority ^{list} is at Annexure-A/3. The grievance of the applicant ^{is that} in the year 2005, out of this recast seniority list, two juniors were promoted to Senior Administrative Grade against which the applicant filed representations vice Annexure-5 Series but the grievance was not redressed. In the meantime, the respondents issued office order dated 10.2.2006 [Annexure-6], appointing other officers in the Senior Administrative Grade in which, except ^{the} first two, all were junior to him vice the recast seniority list. It was pointed out that this decision is against the express submission made before this Tribunal by the respondents in OA 679/98.

2. Shri A.A. Khan, the learned Standing Counsel for the respondents, submits that if any mistake has been committed by the respondents, a representation should have been filed before them



first, and even if then the grievance was not redressed, the applicant could have come before this Tribunal.

3. It is well settled that if a junior is granted higher rank or higher pay scale bypassing an officer, who is senior to him, without any legal justification, that senior officer, so bypassed, must be given the benefits as granted to the junior officer from the date from which that benefit has been granted to the junior officer/officers.

4. The grievance of the applicant is that if the order at Annexure-6 is implemented, the applicant would be forced to work under his junior.

5. In view of that, this application is disposed of with direction to respondent no.2, Director [Estt], Railway Board, Rail Bhawan, New Delhi, to treat this application as a representation and to pass an order relating to the grievance made by the applicant within a period of two months from the date of receipt of a copy of this order. The order against which representations were filed at Annexure-5 Series and the order at Annexure-6 would be subject to the order to be so passed by the concerned respondent [respondent no.2]. The applicant is directed to provide to respondent no.2 a copy of this order along with a copy of this application with annexures within fifteen days of receipt of the certified copy of the order.

6. With the aforesaid directions, this application is disposed of.


[P.K. Singh]
Vice-Chairman

cm