

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 161 OF 2006

[Patna, this Wednesday, the 29th Day of August, 2007]

C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

HON'BLE SHRI AMIT KUSHARI, MEMBER [ADMN.]

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S.K.Sheetal, son of Late Santosh Kumar Sheetal, resident of 'Sheetal Kunj',
Haru Ganj, Hazaribagh, Ex-Astt. Commercial Manager, E.C.Railway,
Danapur, P.O.: Khagaul, Distt.: Patna [Bihar].APPLICANT.

By Advocate :- Shri M.P.Dixit.

Shri S.K.Dixit.

Vs.

1. The Union of India through Secretary, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, E.C.Railway, Hajipur.
3. The G.M. [P], E.C.Railway, Hazipur.
4. The Chief Commercial Manager, E.C.Railway, Hajipur.
5. F.A.& C.A.O., E.C.Railway, Hazipur.
6. The Divisional Railway Manager, E.C.Railway, Danapur.
7. Sr. D.P.O., E.C.Railway, Danapur.
8. Sr. D.F.M., E.C.Railway, Danapur. RESPONDENTS.
By Advocate :- Shri A.K.Choudhary, ASC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard the learned counsels for both the sides.

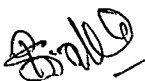
2. The applicant while working as Assistant Commercial Manager, E.C.Railway, Danapur in the pay-scale of Rs.7500-12000/-, superannuated w.e.f. 31.01.2006. The grievance of the applicant is in a very short compass which is that vide the seniority list at Annexure-A/1, the applicant was admittedly at sl.no.8 but the benefit of up gradation of the post

in the pay-scale of Rs.8000-13500/- was given to the officials in the said seniority list from sl.no.9, onwards but the same was denied to the applicant, vide Annexure-A/2. It is submitted that thereafter senior scale was also granted to the officials at sl.no.10 to 15 of the aforesaid seniority list vide order dated 24.04.2005 which again was denied to the applicant. Soon thereafter the applicant superannuated but before that he had filed a representation, still relief eluded him.

3. The respondents have appeared and filed their written statement in which it has been admitted that a DPC had held its meeting for giving the promotions aforesaid in which the ACRs of five years and clearance of SPE, Vig.& DAR etc. were also taken into account. It is submitted that at the time of the meeting of the DPC the case of the applicant could not be considered as despite efforts his ACRs could not be found out. It is also submitted that it has been now found out that in the ACR for the year 2004-05, the Part-I was not filled up which related to self-appraisal by the applicant which ought to have been done as per the practice. However, it is submitted that an honest effort is being made to consider his case even without his self-appraisal in the concerned ACR.

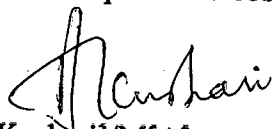
Learned counsel for the respondents, while arguing submitted that the Review DPC will be held for the applicant to consider his promotions at par with his juniors and a decision would be taken up shortly.


4. In that view of the matter, this application is disposed of by directing the respondents to get the DPC held within a period of three months from the date of receipt of a copy of this order in which the case of the applicant would be placed for his promotions at par with his juniors, and order



will be passed according to the recommendation of the DPC. If the applicant is found fit for promotion at par with juniors, that will also follow grant of consequential benefits to the applicant ^{in accordance with law,} and the arrears would be paid to him within two months of the passing of the order of promotion/promotions.

With the aforesaid directions, this application is disposed of. In case of promotion/ promotions, if the arrears are not paid within this period of two months, it would then be payable with interest @ 9% p.a. which will be calculated from the date of expiry of the aforesaid period of two months, till the arrears are paid. No costs.


[Amit Kushari]/M[A]


[P.K.Sinha]/VC

skj.