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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.277/87.

Dr.G.K.Ballani,
D.M.O. Central Railway Hospital,
Kalyan.Applicant.

V/s.

1. The Union of India
through the General Manager,
Central Railway,
Bombay.400 001.
2. The Chief Personnel Officer,
Central Railway,
Bombay V.T.Respondents.

Coram: Hon'ble Member(A), Shri J.G.Rajadhyaksha,
Hon'ble Member(J), Shri M.B.Mujumdar.

Tribunal's Order:

Dated: 25.3.1988.

Heard Mr.Gangal, the learned advocate
for the applicant and Mr.V.G.Rege, learned advocate
for the respondents.

2. We are required to pass this order
today because of the peculiar facts of this case.

3. The applicant is working as Divisional
Medical Officer since 1981 in the scale of Rs.3,000--
4,500. Before that he was Additional Divisional
Medical Officer since 1973. Both are stated to be
Group 'A' posts. The next higher grade available for
him is Junior Administrative Grade, which is in the
scale of Rs.3,700-5,000.

4. Paragraph.4 of the order of the Railway
Board dt. 25.9.1987 shows that Divisional Medical
Officers in the scale of Rs.3,000-4,500, with a total
of 12 years or more of regular service in Group 'A'
including 2 years service in senior scale are to be
considered for promotion to the Junior Administrative
Grade in the scale of Rs.3,700-5,000 on the basis
of seniority-cum-fitness.

5. By an order dt. 7.3.1988 10 D.M.Os have been promoted to the Junior Administrative Grade. The name of one Dr.(Mrs).V.N.Shrotriya is at S.No.10 in that order.

6. By another order dt. 21.3.1988, again 13 D.M.Os have been promoted to the Junior Administrative Grade. One Dr.(Mrs.) I.Sethi is at S.No.1 in that order. The seniority list of Additional Divisional Medical Officers shows that Dr.(Mrs.)- V.M.Shrotriya is senior to the applicant, while Dr.(Mrs.) I.Sethi, is junior to the applicant. In fact, in that seniority list the name of the applicant appears between the names of Dr.(Mrs.)V.M.Shrotriya and Dr.(Mrs.) I.Sethi.

7. We do not know the reasons why the applicant has not been promoted to the Junior Administrative Grade when his immediate junior is so promoted by the order dt. 21.3.1988. We visualise two possibilities: one, is that the applicant might not have been considered inadvertently, and two, he might not have been found fit for promotion. The applicant says that he has not received any adverse remarks so far and on the contrary he was told that he ranked outstanding.

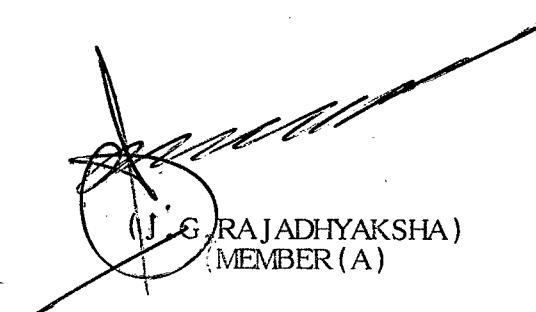
8. We may further point out that the birth date of the applicant is 7.3.1930 and he retires w.e.f. 1.4.1988 (before noon) on superannuation. In fact that is the reason why we are passing this order today.

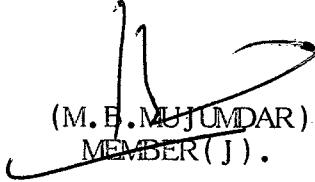
9. We therefore, direct that the respondents shall consider the case of the applicant, if not

already considered, for promotion to the Junior Administrative Grade and promote him along with his immediate junior Dr.(Mrs.) I.Sethi, if found fit. We would like the respondents to implement the above direction as far as possible before 30th of March, 1988.

10. Keep the case on 30.3.1988 for directions.

11. A copy of this order be supplied to advocates for both the sides today only.


(G. RAJADHYAKSHA)
MEMBER(A)


(M.B. MUJUMDAR)
MEMBER(J).