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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1115/95

DATE OF ORDER : 30-03-1998.

Between :-

M. M. Joseph

... Applicant

And

1. Union of India rep. by General Manager,
S.E.Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, S.E.Railway,
Dondaparthy, Visakhapatnam-4.
3. Divisional Personnel Officer, S.E.Railway,
Dondaparthy, Visakhapatnam-4.

... Respondents

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Counsel for the Applicant : Shri P.B.Vijay Kumar

Counsel for the Respondents : Shri D.F.Paul, SC for Rlys

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri P.B.Vijay Kumar, learned counsel for the applicant and Sri D.F.Paul, learned standing counsel for the respondents.

Though three years had already passed. Even now the learned standing counsel for the respondents requests for some time for filing reply. We have refused this request as this is a simple case which can be disposed of on the basis of the records available.

3. The applicant in this O.A. submits that he is working as and Chief Booking Clerk (CBC) in the scale of 1400-2300 was called for selection to the higher grade of Rs.1600-2660 which commenced on 27-12-91. It is stated that this selection had prolonged up to 28-12-92. Thereafter a provisional list was published on 28-2-93 and he was empanelled for promotion to the said higher scale (Annexure-I page-6 to the OA). The name of the applicant is written in hand-writting with pen whereas the other portion in the list dated 28-2-93. is typed. Hence we are not sure whether the name of the applicant was found in the provisional list issued on 28-2-93.

4. In the meantime Railway Board on 27-3-93 issued certain orders for restructuring of the posts in the commercial cadre. Accordingly it is stated that few posts of Chief Booking Clerk in the scale of Rs.1400-2300 ~~was~~ ^{will} upgraded to the higher grade of Rs.1600-2660. It is not clear whether the applicant was senior enough for consideration for promotion against the restructured

posts.

5. This O.A. is filed praying for a direction to the respondents to promote the applicant to the post of CCC Gr.II in the scale of pay of Rs.1600-2660 at Vizianagaram as per Railway Board's order dt.27-1-93 w.e.f.1-3-93 together with monetary benefits, seniority and all other attendant and consequential benefits.

6. From the material available on the record the following direction is given :-

- (1) The applicant should be deemed to have been promoted if his name has been included in the earlier to 1-3-93 as per his turn;
- (2) If he cannot be promoted as above then if he is within the zone of consideration for promotion against the restructured post with effect from 1-3-93 and, if / eligible for promotion then he should be deemed to have been promoted with effect from 1-3-93 ~~against a restructured post~~.
- (3) If he cannot be promoted in pursuance of the directions 1 and 2 above, then his case for promotion to the post of Chief Commercial Clerk in the scale of Rs.1600-2660 should be considered against a vacant post which arose after 1-3-93 provided his name is included in the provisional panel issued on 28-2-93 in his turn.

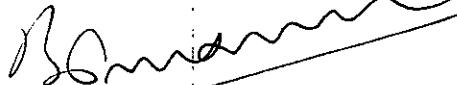
7. If the applicant is promoted as above then he is entitled

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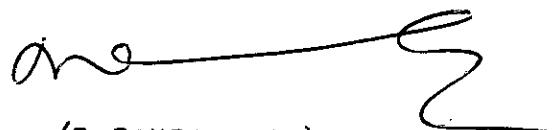
for consequential benefits on par with his junior's who ~~are~~ ^{were} promoted immediately after him.

8. With the above directions, the O.A. is disposed of. No order as to costs.

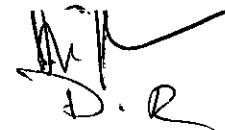

(B.S.JAI PARAMESHWAR)

Member (J)

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(R.RANGARAJAN)

Member (A)


D.R.

Dated: 30-03-1998.

Dictated in Open Court.

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OA.1115/95

Copy to:-

1. The General Manager, South Easter Railway, Garden Reach, Calcutta.
2. The Divisional Railway Manager, South Easter Railway, Dondaparthy, Visakhapatnam.
3. The Divisional Personnel Officer, South Easter Railway, Dondaparthy, Visakhapatnam.
4. One copy to Mr. P.B.Vijay Kumar, Advocate, CAT., Hyd.
5. One copy to Mr. D.F.Paul, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

23/3/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

DATED: 30/3/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

D.A. NO. 1115/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

