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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 155/97

Date of Order : 4.1.99

BETWEEN :

K.N. Padmanabhan

.. Applicant.

AND

1. Sr.Divisional Personnel Officer,
S.E.Railway, Waltair Division,
Visakhapatnam.

2. Divisional Personnel Officer,
S.E.Railway, Waltair,
Visakhapatnam.

3. Divisional Railway Manager,
S.E.Railway, Waltair Division,
Visakhapatnam.

.. Respondents.

Counsel for the Applicant

.. Mr. P. B. Vijaya Kumar

Counsel for the Respondents

.. Mr. V. Bhimanna

CORAM :

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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

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X As per Hon'ble Shri R.Rangarajan, Member (Admn.)) (

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Mr.P.B.Vijaya Kumar, learned counsel for the applicant. Reply has not been filed by the respondents.

2. The applicant in the OA had joined in DBK Railway as Mechanic on 6.9.69. Later he was absorbed as permanent Basic Tradesman in S.E.Railway, Waltair on 1.7.69. Subsequently, he was promoted to the post of Compressor Driver-cum-Mechanic (CDCM) Gr-III in the scale of pay of Rs.260-400 w.e.f. 1.1.70 and his name was shown against Sl.No.2 in the seniority list of CDCM Gr-III published on 27.7.79. Later, he was given the next promotion as CDCM Gr-II w.e.f. 21.12.82 according to his turn as per the seniority list of CDCM by office order dated 21.12.82.

3. The promotion of the applicant as CDCM Gr-II issued on 21.12.82 was kept in abeyance by order dated 30.12.82 due to some seniority dispute. The applicant submits that on the basis of the direction in TA.1184/86 he regained his seniority and all other benefits ^{accrued} accrued to him as per order dated 21.12.82. The applicant submits that one post of CDCM Gr-I was sanctioned by the order No.00.No.P/Cadre/Engg/116, dated 4.10.85 (A45 Page-11). The applicant submitted that he had to be promoted to that post as per the order dated 4.10.85. His representations were considered and he was

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promoted to the post of CDCM Gr-I w.e.f. 1.12.84 by proceedings dated 2.3.89 (A-4 page-10). The applicant submits that his promotion as CDCM Gr-I w.e.f. 1.12.84 is erroneous and he should be promoted w.e.f. 1.1.84. His representation in this connection was negatived by proceedings dated 8.7.96 (A-1 page-6) on the ground that the Bridge erection post in Engineering Department has been reclassified w.e.f. 1.12.84 and accordingly he was promoted to CDCM Gr-II from 1.12.84 by office order dated 2.3.89. Hence he is not eligible for promotion as CDCM Gr-I w.e.f. 1.1.84.

4. This OA is filed praying for a direction to the respondents to promote the applicant as CDCM Gr-I w.e.f. 1.1.84 instead of 1.12.84 and also pay the arrears of pay and admissible allowances with all consequential and attendant benefits by setting aside the impugned proceedings dated 8.7.96 of R-3.

5. As no reply has been filed we are not sure whether the contents of the impugned letter dated 8.7.96 is in order or not. Especially the ground that the Bridge erection post in Engineering Department had been reclassified w.e.f. 1.12.84. However, the learned counsel for the applicant brought to our notice the memorandum dated 4.10.85 (A-5) wherein it is stated that the skilled Gr-II post to skilled Gr-I will come into operation w.e.f. 1.1.84. To further substantiate his case the applicant has also brought to our notice Annexure-2

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attached to letter dated 4.10.85 wherein the CDCM Gr-II post existing as on 1.1.84 was reclassified as Gr-I from the same date. Some more trades were upgraded as per the above letter- Hence it gives us a feeling, ^{that} it is possible that this post could have been upgraded w.e.f. 1.1.84 and not from 1.12.84.

6. Considering the above, the respondents should immediately check the relevant circular or notification whereby the respondents came to the conclusion that the Bridge ~~Errection~~ post in Engineering Department had been reclassified from 1.12.84. If on that basis the respondents come to the conclusion that the post was upgraded only w.e.f. 1.12.84 a detailed speaking order enclosing a copy of the documents based on which the decision was taken by the respondents should be issued to the applicant. In case it is found that as per reclassification the post w.e.f. 1.1.84 then the case of the applicant should be considered for promotion with consequential benefits w.e.f. 1.1.84, if he is seniormost eligible candidate for that post and fulfills all other conditions.

7. Time for compliance is 2 months from the date of receipt of a copy of this order.

8. The OA is ordered accordingly. No costs.

R.S.
B.S. JAI PARAMESHWAR)
Member (Judl.)

4-1-99

M
(R.RANGARAJAN)
Member (Admn.)

Amma
7/1999

Dated : 4th January, 1999

(Dictated in Open Court)

25/1/99

II COURT

Copy to:-

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

D.D.R (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

2) spouse

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

AND

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

DATED: 21/1/99

ORDER/JUDGMENT

~~MAVR.A./C.P.N.~~

in
DA.NO. 155/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

7 copies

