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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.288/99

dt.4-7-2000

Between

S. Prakasam

: Applicant

and

1. Union of India, rep, by its
General Manager, South Eastern Rly.
Garden Reach, Calcutta-43

2. Chief Personnel Officer, SE Rly.
Garden Reach, Calcutta-43

3. Chief Engineer(Construction)
SE Rly., Calcutta

4. Chief Admn. Officer(C)
SE Rly. Bhubaneswar

5. Chief Project Manager(Construction)
SE Rly., Visakhapatnam

6. Dy. Chief Electrical Engr. (C)
SE Rly., Visakhapatnam

7. Financial Adviser & Chief Accounts
Officer (Construction), SE Rly.
Visakhapatnam

: Respondents

Counsel for the applicant : PB Vijayakumar
Advocate

Counsel for the respondents : N.R. Devaraj
SC for Railways

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. R. Rangarajan, Member (Admn.)

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Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn)

Heard Mr. P.B. Vijayakumar for the applicant and Mr. N.R. Devaraj for the respondents.

2. This OA is filed to declare the impugned proceedings No.P/330/98 dated 16-10-1998 issued by the Respondent No.3 whereby the ante dated seniority as Khalasi to 1-4-1973 issued was cancelled and office order No.206/91 dated 12-11-1991 whereby fixation of scale of pay with effect from 1-4-1973 was also cancelled, as arbitrary, illegal and consequently to direct the applicant's absorption against PCR vacancies with effect from 1.4.1973 with all benefits including differences of salary and also regulate his promotions to the higher grades in terms of such absorption with effect from 1-4-1973.

3. The main issue that arises from the above prayer is that the applicant wants the benefit of entry into service as Khalasi with effect from 1-4-1973 and further promotion to Grade I and II Vehicle Drivers on that basis.

4. When the OA was taken up for further hearing the learned counsel for the applicant produced office order No. P/261/98 dated 18-8-1998 which is taken on record which clearly indicates that the applicant is promoted and regularised as PCR MV Driver Gr.II and MV Driver Gr.I in the scale of Rs. 4000-6000 against the sanctioned PCR MV Driver Gr.I with effect from 2-4-1988.

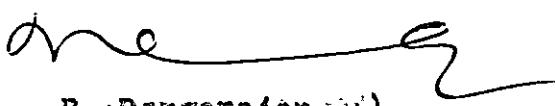
5. In view of the order dated 18-8-1998 substantial portion of the relief had already been granted to the ^{apply only for} applicant and it is not necessary for us to issue ^{apply only for} promotion of the applicant as MV Driver Grade I and II.

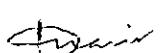
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6. The only point for consideration is that in regard to his entry as Khalasi with effect from 1-4-1973. If the applicant is shown as having entered as Khalasi with effect from 1-4-1973 he will get some financial benefit to the extent of Rs.3029. This is a minor relief and it is not necessary for the Tribunal to pass any order looking into the various documents produced by the applicant. It is only actual verification of the documents to come to the conclusion whether the applicant had joined as regular Khalasi in Group-D with effect from 1-4-1973. To examine this issue Respondent No.4 should nominate a responsible officer not below the rank of Senior scale officer to examine in person within three months from the date of receipt of copy of this order.

7. The applicant should be asked to present on a date fixed by the respondents. The applicant should also produce the documents available with him for deciding this issue. The applicant may approach the authorities concerned if he is entitled for any further ~~promotion~~ financial benefit.

8. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admin)


(D.H. Nasir)
Vice-Chairman

Dated : 4 July, 2000
Dictated in Open Court

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