

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 18<sup>th</sup> September, 2008

**ORIGINATION APPLICATION NO. 17/2007**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Prakash Chauganekar son of Shri D.M. Chauganekar aged 44 years, resident of House No. 847 B, Ward No. 42, Tanaji Nagar Gali No. 14, Bhajangani, Ajmer and at present working as Chief Law Assistant under Sr. Divisional Engineer (Coordination) Ajmer in the office of Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.

.....APPLICANT

(By Advocate: Mr. Nand Kishore proxy counsel for Mr. Ramesh Chand)

VERSUS

1. Union of India through General Manager, North Western Railway Zone, Jaipur.
2. Divisional Railway Manager, North Western Railway, Ajmer Division, Ajmer.

.....RESPONDENTS

By Advocate: (Mr. R.G. Gupta)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That after perusal and considering Annexure A/1 respondent No. 2 may be directed that applicant's promotion to the post of Chief Law Assistant scale Rs.7450-11500 (RSRP) be consider from 28.01.2005 instead of 17.10.2005 with financial benefit as well as seniority from 28.1.2005 with all consequential benefits.

- (ii) Any other order, direction or relief may be passed in favour of the humble applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iii) The cost of application be allowed."

2. Briefly stated facts of the case are that the applicant while working on the post of Law Assistant in the pay scale of Rs.6500-10500/- was granted the pay scale of Rs.7450-11500/- for the period w.e.f. 30.08.2005 to 30.09.2006 consequent to upgradation of the said post to that of Chief Law Assistant. The grievance of the applicant was that the said benefit should be given to him w.e.f. 28.01.2005 instead of <sup>30-8-2005</sup> 17.10.2005 as was done in other cases. Accordingly, Respondent no. 1 vide order dated 17.05.2006 (Annexure A/1) held the applicant entitled for financial benefit as well as proforma seniority w.e.f. 28.01.2005. The grievance of the applicant is that this order has not been implemented by the respondents till date. It is on the basis of these facts; the applicant has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. The respondents have stated that proforma seniority and financial benefits have not been given to the applicant w.e.f. 28.01.2005 because the work charged post of Chief Law Assistant in the pay scale of Rs.7450-11500/- was not in existing on 28.01.2005. Now the respondent no. 1 has clarified that the proforma seniority and financial benefits on the post of Chief Law Assistant w.e.f. 28.01.2005 are being under process and the same benefit will be granted to the applicant shortly.

4. We have heard the learned counsel for the parties. We are of the view that in view of the stand taken by the respondents, the grievance of the applicant does not survives. Since the respondents have not carry out the directions given by the higher authorities vide order dated 17.05.2006 (Annexure A/1), we are of the view that it is a case

where time bound direction be given to the respondents to carry out the direction as given vide order dated 17.05.2006 (Annexure A/1). Accordingly, the respondents are directed to implement the order dated 17.05.2006 (Annexure A/1) within a period of two months from the date of receipt of a copy of this order, if not implemented.

5. With these observations, the OA is disposed of with no order as to costs.

  
**(B.L. KHATRI)**  
**MEMBER (A)**

  
**(M.L. CHAUHAN)**  
**MEMBER (J)**

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