

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 11.10.2001

OA 76/96

Virendra Pal Singh son of Sovaran Singh aged about 48 years, Chief Parcel Clerk, scale Rs. 1600-2660 in the office of Station Manager, Western Railway, Jaipur R/o 48, D.K. Nagar, Jhotwara, Jaipur.

.... Applicant.

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Establishment), Western Railway, Power House Road, DRM Office, Jaipur.
3. Senior Divisional Commercial Manager (Establishment), Western Railway, C/o DRM Office, Power House, Road, jaipur.
4. Shri Shiv Dayal, Chief Booking Supervisor, Scale Rs. 2000-3200, Western Railway, Bandikui.
5. Shri Jagdish Prasad, Chief Booking Supervisor, Scale Rs. 2000-3200, Western Railway, Railway Station, Narnol.

.... Respondents.

Mr. P.V. Calla, Counsel for the applicant.

Mr. Hemant Gupta, Proxy counsel for

Mr. Manish Bhandari, Counsel for the respondents.

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Hon'ble Mr. Justice B.S. Raikote, Vice-Chairman

Hon'ble Mr. Gopal Singh, Member (Administrative)

ORDER

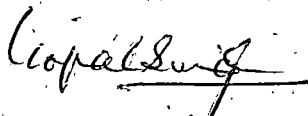
PER HON'BLE MR. JUSTICE B.S. RAIKOTE, VICE CHAIRMAN

The applicant has challenged the order dated 17.10.95 by which some persons were promoted as Chief Booking Clerks in the pay scale of Rs. 2000-3200. The grievance of the applicant is that the persons by name Shri Shiv Dayal (Respondent No. 4) and Shri Jagdish Prasad (Respondent No. 5) were juniors to him and they could not have been promoted as against the claim of the applicant, who was senior in the base grade. The counsel for the applicant submitted that in view of the latest law laid down by Hon'ble the Supreme Court in Ajit Singh II and Jatinder Pal Singh, the persons who were senior to the roster promotees at the base grade level are entitled to promotion as against the roster promotees at the higher level if they catch up with the roster promotees at higher level. On the basis of this principle, he contends that applicant is entitled for promotion as against private respondents no. 4 & 5. He relied upon the judgement of this Tribunal dated 29.3.2001 passed in OA No. 387/99 and batch. The case of the respondents is that the impugned order does not call for any interference on the ground that respondents no. 4 & 5 were no doubt juniors at the base grade but they were senior in the feeder cadre. Therefore, there is no merit in the application.

2. Having heard the counsel for the parties we find that it is difficult for this Tribunal to decide the inter-se seniority of the applicant and private respondents in the light of Hon'ble

the Supreme Court judgement in Ajit Singh II and Jatinder Pal Singh. In fact, having regard to the circumstances in OA No. 387/99 vide judgement dated 29.3.2001, this Tribunal directed the concerned Department to consider the case of the applicants therein and private respondents in the light of the judgement of Hon'ble the Supreme court, keeping in view 'Catch Up' principle at the higher level. Having regard to the facts of this case, we are inclined to issue the same direction without expressing any opinion on the merits of this case. Accordingly, we dispose of the application by passing the order as under:-

This OA is disposed of with a direction to the respondents to take up fresh exercise, revising the seniority according to catch up principle, at the level senior general candidates catch up junior roster promotees and after such exercise, they shall issue fresh eligibility list for the purpose of promotion in accordance with law and after such exercise, the case of the applicant shall be considered for promotion to the post of Chief Booking Clerk as against respondents no. 4 & 5, as per law. No costs.


(GOPAL SINGH)
MEMBER (A)


(B.S. RAIKOTE)
VICE CHAIRMAN