

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA No. 318/2002

DATE OF ORDER : 09.09.2002

Roop Chand son of Shri Ram Lal aged about 62 years resident of 6-A, Himmat Nagar, Tonk Road, Jaipur. Retired from the post of Traffic Inspector (Safety) Office of Divisional Railway Manager, Jodhpur Northern Railway.

....Applicant.

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.

....Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

CORAM

Hon'ble Mr. H.O. Gupta, Administrative Member

Hon'ble Mr. M.L. Chouhan, Judicial Member

ORDER (ORAL)

This OA has been filed for being aggrieved by the inaction of the respondents in not promoting the applicant notionally in the grade of Assistant Operating Manager, a Group 'B' post, and has prayed for appropriate direction to the respondents for treating the applicant as having been promoted in the scale of Rs. ~~2375-3500~~ <sup>2375-3500</sup> from the date his juniors were so promoted in the year 1995 with all consequential benefits including arrears of pay & with retiral benefits.

2. Heard the learned counsel for the applicant.

The contention of the learned counsel for the applicant is that in a case in OA No. 523/91 decided by

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Jodhpur Bench, which was partly allowed vide order dated 17.2.04 and confirmed by the Apex Court, the applicant has been granted higher pay scale of Rs. 2375-3500/ Rs. 7450-11500 based on revised seniority but he has not been granted promotion to Group 'B' post at par with his juniors. Since his juniors were promoted to the said group 'B' post before his retirement, he submitted his representation to Respondent No. 1 and has also given notice of demand but received no reply.

3. In the circumstances, without going into the merit of the case, we feel that the applicant's representation should be first decided. Accordingly, this OA is disposed at the admission stage with the direction to Respondent No. 1, General Manager, Northern Railway, New Delhi to consider the representation dated 16.07.2001 of the applicant and passed a speaking order within six weeks from the date of receipt of a copy of this order. In case the applicant is entitled for promotion to Group 'B' post, he should be accorded the said promotion as per rules and in case the applicant is not entitled to, the reasons thereof should be communicated to the applicant. Let the applicant send a fresh copy of his representation dated 16.7.2001 with a copy of this order to Respondent No. 1 within 15 days from today and by Speed Post to avoid delay.

(M.L. CHOUDHARY)

JUDL. MEMBER

(H.O. GUPTA)

ADMN. MEMBER

AHQ.