

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

42 of 1998.

O.A. No.

4-2-2000

DATE OF DECISION.....

Sri R.S.Bhattacharjee

PETITIONER(S)

S/Sri M.Chanda, S.Sarma.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri B.K.Sharma, Railway counsel.

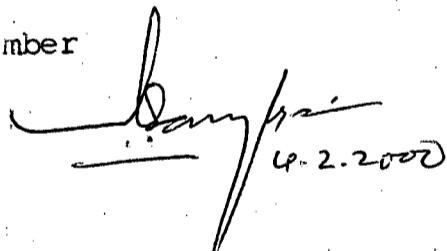
ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE MR G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member


4-2-2000

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 42 of 1998.

Date of Order : This the 4th Day of February, 2000.

The Hon'ble Mr Justice D.N.Baruah, Vice-Chairman.

The Hon'ble Mr G.L.Sanglyine, Administrative Member.

Sri Raj Shekhar Bhattacharjee,
Section Engineer (Works)
Office of the Section Engineers,
N.F.Railway, Ditock Cherra,
N.C.Hills. . . . Applicant.

By Advocate S/Shri M.Chanda, S.Sarma.

- Versus -

1. Union of India,
represented by Secretary to the
Government of India,
Ministry of Railways, Rail Bhawan,
New Delhi.
2. The General Manager(P)
N.F.Railway, Maligaon,
Guwahati-11.
3. Deputy Railway Manager(P)
Lumding, N.F.Railway. . . . Respondents.

By Advocate Sri B.K.Sharma, Railway counsel.

O R D E R

G.L.SANGLYINE, ADMN. MEMBER,

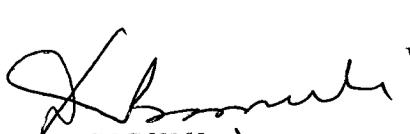
The applicant was appointed Inspector of Works (IOW for short) on 24.7.1979 in the Construction Organisation of the North East Frontier Railway. He was promoted to IOW Grade-II on 4.5.1983. He was promoted as IOW Grade-I on ad hoc basis with effect from 3.2.1986. He worked in such capacity in the Construction Organisation upto 10.6.1993 and after that he was posted in open line as IOW Grade-II. He was since promoted as IOW Grade-I on regular basis on 18.8.1995. While working as IOW Grade-I on ad hoc basis he was drawing pay at Rs.2450/- in the scale of pay of Rs.2000-3200/- On reversion to IOW Grade-II his pay was fixed at

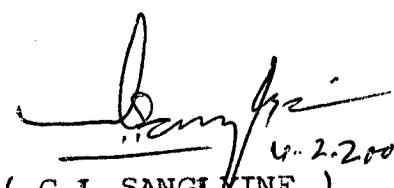
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Rs. 2150/- in the scale of pay of Rs. 1600-2660/-. In this application his prayer is that he should be declared as regular IOW Grade-I in the scale of Rs. 2000-3200/- with effect from 1.1.1986 in the light of the "18 months circular of 1988"; to fix his pay in the scale with effect from 1.1.1986 with all consequential benefits and to step up his pay at par with his juniors by counting his increments earned earlier in the ad hoc service.

2. The application was admitted. Learned Railway counsel had submitted Memo of appearance on 8.3.1999. No written statement was submitted. Hearing was proceeded without the written statement. No one appeared for the Railway respondents on the last date of hearing. We have heard Mr M.Chanda, learned counsel for the applicant, and perused the application. In the absence of any information whatever in respect of this case from the respondents it is not possible for this Tribunal to decide the matter on merit excepting by presuming in favour of the applicant. However, we do not desire to make any such presumption. We therefore dispose of this application with directions. The applicant shall within one month from the date of receipt of this order submit a representation to the respondent No.2, the General Manager(P), N.F.Railway, Maligaon, Guwahati through proper channel stating all the facts and the grievances. The respondent No.2 shall on receipt of the representation from the applicant consider his prayer and issue a speaking order on merit. The order shall be communicated to the applicant within 2 months from the date of receipt of the representation. The applicant is at liberty to agitate further without prejudice to the contentions made in this application, if he is still aggrieved with the order of the respondents.

Application is disposed of. No order as to costs.


(D.N. BARUAH)
VICE CHAIRMAN


4.2.2002
(G.L. SANGALINE)
ADMINISTRATIVE MEMBER