

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING AT BILASPUR
Original Application No. 154 of 2006
Bilaspur, this the 28th day of June, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

1. Surbeshwar Pal, S/o. Late H.K. Pal,
Aged about 45 years, Commercial Inspectors,
Commercial Department, SEC Railway,
Bilaspur (CG).
2. K.K. Ojha, S/o. Late Rameshwar Ojha,
Aged about 45, Commercial Inspectors,
Commercial Department, SEC Railway,
Bilaspur (CG). ... Applicants

(By Advocate - Shri G.S. Ahluwalia)

versus

1. Union of India represented through, General Manager SEC Railway, Bilaspur (CG).
2. Chief Personnel Officer (Commr), South Eastern Railway, 14, Strand Road, Kolkata-43 (WB).
3. Divisional Railway Manager, SEC Railway, Bilaspur (CG).
4. Chief Personnel Officer, SEC Railway, Bilaspur (CG).
5. Sr. Divisional Personnel Officer, SE Railway, Bilaspur (CG).
6. Anupam Dutta, Commercial Inspector Grade-I, Chief Commercial Manager Office, SEC Railway, Bilaspur (CG).
... Respondents

O R D E R (Oral)

By A.K. Gaur, Judicial Member -

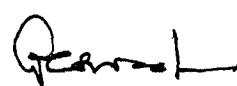
Both the applicants are working as Commercial Inspectors-III in the grade of Rs. 5000-8000/- under the General Manager, SEC Railway, Bilaspur. They were promoted as Commercial Inspectors-III, after having been qualified in a selection process, vide order dated 12.8.1998, and have completed 21 years of service in the same department with about 6 years of regular service in the same grade of Commercial Inspector-III. Earlier, the applicants were working under the Sr. DCM, Bilaspur. Subsequently, they joined Chief Commercial Manager's office on 10.6.2003 against

option. It has been contended on behalf of the applicant that due to merger of the seniority of ex cadre post into regular cadre of Commercial Inspector-III, which was based on the CPO, Kolkata's memorandum dated 27.11.1998 & 23.7.1999 the legitimate privileges of existing senior staff have been deprived, who were already holding their lien in the category of Commercial Inspector. The applicants have also relied upon the decision of the Central Administrative Tribunal, Cuttack Bench dated 3.8.2000 wherein the Tribunal has observed that the post of Senior Research Development Inspector has not been merged along with the Commercial Inspectors and the ex cadre service experience should be reckoned in Commercial lien for future promotional selections by giving weightage. In the aforesaid connection, the applicants have already made several representations collectively annexed as Annexure A-11.

2. We are of the considered view that ends of justice would be met, if we direct the respondent No. 3 to consider and decide the representations of the applicants keeping in view the points taken in the representations, by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. We do so accordingly. A copy of this order as well as the OA be given to the Standing counsel for the Railways Shri M.N. Banerjee. Be it noted that we have not expressed any opinion on the merits of the case.

3. Accordingly, the Original Application stands disposed of at the admission stage itself.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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