

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 255 of 2005

Bilaspur, this the 7th day of March, 2006.

Hon'ble Shri Justice B. Panigrahi, Chairman
Hon'ble Shri Shankar Prasad, Administrative Member

B.S. Raju, S/o. Shri N. Raju,
aged about 33 years, R/o. Behind
Kediya House, Old Power House,
Near Keshav Murra Bhatti,
Hemu Nagar, Bilaspur - 495 004. ... Applicant

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its
General Manager, South East Central
Railway, Bilaspur (CG).
2. The Divisional Railway Manager,
South East Central Railway,
Bilaspur Division,
Bilaspur.
3. The Sr. Divisional Electrical Engineer
(Operating), South East Central
Railway, Bilaspur Division,
Bilaspur. ... Respondents

(By Advocate - Shri S.P. Shrivastava)

O R D E R (Oral)

By Justice B. Panigrahi, Chairman -

In this case the petitioner has prayed for quashing that part of the select list dated 5.8.2004 Annexure A-1, which has declared him unfit for restructuring benefit, and for modifying the promotion order dated 20.8.2004, Annexure A-2.

2. The applicant was initially appointed as Electric Assistant Driver on 3.6.1996 and was posted under Bilaspur Division. The Railway Board has issued order dated 9.10.2003 and dated 6.1.2004, whereby certain posts of Group-C and Group-D were restructured. As per the restructuring scheme the post of Sr. Electrical Asstt. Driver is required to be filled up strictly on the basis of seniority list of the Electrical Asstt. Drivers without any selection. The applicant was found

unsuitable only on this ground that there was a punishment order imposed against him dated 24.11.2003, whereby the penalty of stoppage of increment falling due on 1.6.2004 was imposed. It is true that the said punishment order was upheld by the appellate authority but subsequently the revisional authority quashed the punishment imposed against the applicant and he was consequently exonerated of the charges.

3. The question therefore, arises in this case is as to whether the applicant could be denied the restructuring benefit even after he was exonerated of the charges. It does not stand to reason why a person could be made to suffer even he was exonerated from the departmental proceedings on 23.7.2004, that is before the result of suitability test was announced on 5.8.2004 and orders of promotion issued on 20.8.2004. But this aspect was not considered by the respondents authorities. They only denied such restructuring benefit on the ground that the applicant was visited with the punishment of withholding of next increment.

4. Therefore, we quash that part of the order dated 5.8.2004, where the applicant is found unsuitable for getting the restructuring benefit of Senior Assistant Loco Pilot. Accordingly, we direct the respondents authorities to reconsider the case of the applicant by providing him the restructuring benefit from the date when his juniors got promotion with all consequential benefits.

5. With the above observations, the CA is disposed of.
No costs.

Shankar Prasad
(Shankar Prasad)
Administrative Member

B. Panigrahi
(B. Panigrahi)
Chairman

पृष्ठंकन सं अं/पं..... जयपुर, दि.....

पति

(1) रजिस्ट्रार

(2) रजिस्ट्रार

(3) रजिस्ट्रार

(4) रजिस्ट्रार

सूचना एवं आदेश

उप रजिस्ट्रार

J. Paul DNJB

S. P. Mohan Rao

DNJB

14.3.06