

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No. 998 of 2000

Bilaspur, this the 8th day of December, 2003

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

P.K.Biswas, S/o late M.K.Biswas,
aged 60 years, Section Engineer (Retired),
S.E.Railway Manendragarh Distt.Koriya,
R/o Hemunagar, Behind Kedia House, Bilaspur - Applicant
(By Advocate - Applicant in person)

Veraus

1. Union of India, through its Secretary, Ministry of Railways, Railway Board, New Delhi.
2. The Senior Divisional Engineer (Coordination) South Eastern Railway, Bilaspur.
3. The Senior Divisional Personnel Officer, South Eastern Railway, Bilaspur. - Respondents
(By Advocate - Shri M.N.Banerji)

O R D E R (Oral)

By G.Shanthappa, Judicial Member -

The above application is filed seeking a direction to the respondents to give promotion to the applicant as Senior Section Engineer with effect from 9.11.1998 with all monetary benefits.

2. The brief facts of the case are that the applicant was initially appointed as Assistant Inspector of Works in South Eastern Railway. He rendered his service for 38 years and retired on 31.10.2000 as Section Engineer. On 9.11.1998 the applicant was promoted as Senior Section Engineer in Bilaspur Division. Subsequent to the said promotion order, the respondent no.3 has passed another order dated 8.1.1999 (Annexure-A-2) by which the applicant has been posted at AVP to officiate as Senior Section Engineer. Being aggrieved by the said order, the applicant submitted his representation to the 2nd respondent with a request to retain

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him at Manendragarh for the convenience of the last period of his service. In the said representation he has also submitted his personal problems. Subsequently, the applicant has submitted his representation with a request as per Annexure-A-6 dated 19.1.2000 and further representations dated 6.7.2000 (Annexure-A-7), 22.8.2000 (Annexure-A-8) and finally on 19.10.2000 (Annexure-A-9). Since all the representations are pending with the respondents, the applicant has approached this Tribunal for grant of relief as prayed for.

3. The applicant has filed M.A.2033 of 2000 for condonation of delay in filing this O.A. on the ground that the order of promotion and posting was passed on 9.11.1998 but the same has not been executed for want of suitable reliever of the applicant and in the meantime he has been retired on 31.10.2000. The reasons mentioned in the MA has been accepted and the MA 2033/2000 is allowed.

4. The respondents have mentioned in their reply that one Shri A.K.Maheswari jointed at Manendragarh to take over charge of S.E.R.(P.Way) on 23.2.2000 so that the applicant could hand over the charge of the stores to Sri A.K.Maheswari and could proceed to Abhanpur to take over the charge of Sr.Section Engineer(P.Way) in the pay scale of Rs.7455-11500 to get the promotion effected but the applicant has failed to do so. The applicant intentionally adopted the delaying tactics in handing over of the charge to his reliever. Therefore, non effect of his promotion order as Sr.Section Engineer was due to the lapse on the part of the applicant. Hence, question of his promotion order be effected at Manendragarh only does not arise.

5. After hearing the applicant in person and the learned counsel for the respondents, we have decided to dispose of this O.A. only on the short ground that the respondents may be directed to dispose of the representations submitted by the applicant as per Annexures-A-3, A-4 and



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A-6 to A-9 since the applicant has submitted that he has not received any reply to the said representations.

6. Accordingly, this O.A. is disposed of with a direction to the respondents to consider the aforesaid representations of the applicant and decide the same by passing a reasoned, detailed and speaking order within a period of one month from the date of receipt of a copy of this order. No costs.

G. Shanthappa
(G. Shanthappa)

Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

rkv.

पृष्ठांकमा सं अ०/न्या..... तात्पुरा दि.....

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सूचना दिनांक अधिकारी कार्यालयी दिनांक

applicant
MN Baswajee, M.A.

for signature
अधिकारी

*Exiced
2003
17.12.03*