

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

27.04.2007

OA 518/2005

Mr. C.B. Sharma, Counsel for applicant.  
Mr. T.P. Sharma, Counsel for respondents.

Heard the learned counsel for the parties. The OA is disposed of by a separate order, for the reasons recorded therein.

*J.P. Shukla*  
(J.P. SHUKLA)  
MEMBER (A)

*Kuldip Singh*  
(KULDIP SINGH)  
VICE CHAIRMAN

AHQ

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

Jaipur, the 27<sup>th</sup> day of April, 2007

ORIGINAL APPLICATION NO. 518/2005

**CORAM:**

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN  
HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Bodu Ram Jat son of Shri Sunda Ram Jat, aged about 34 years, resident of Village & Post Khejroli (Chomu), District Jaipur and presently working as Law Assistant Personnel Branch (Legal Cell), Office of General Manager, North Western Railway, Hasanpura Road, Jaipur.

By Advocate: Mr. C.B. Sharma

.....Applicant

Versus

1. Union of India through General Manager, North Western Zone, North Western Railway, Jaipur.
2. Chairman, Railway Board, Rail Bhawan, New Delhi.
3. Chief Personnel Officer, Office of General Manager, North Western Zone, North Western Railway, Jaipur.

By Advocate: Mr. Tej Prakash Sharma

.....Respondents

**ORDER (ORAL)**

Applicant has filed this OA thereby praying for the following reliefs:-

(i) That the entire record relating to the case be called for and after perusing the same, the respondents be directed to consider the applicant for promotion to the post of Chief Law Assistant in the scale of Rs.7450-11500 from the



post of Law Assistant in the scale of Rs.6500-10500 and allowed promotion as allowed to other official vide order dated 30/8/2005 (Annexure-9) by quashing letter dated 21/10/2005 (Annexure A/1) with the Railway Board order dated 17/4/1997 (Annexure A/11).

- (ii) That the respondents be further directed to count service rendered in Central Railway as Law Assistant towards, promotion to the post of Chief law Assistant.
- (iii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the cost of this application may be awarded.

2. Learned counsel for the respondents pointed out applicant has been granted promotion to the post of Chief Law Assistant in the scale of Rs. 7450-11500 vide order dated 05.05.2006. He submitted that as such this OA has become infructuous.

3. Learned counsel for the applicant submitted that applicant is entitled to count his previous service, rendered in the old unit i.e. Central Railway and for this, he has also produced a copy of the Circular dated 21.03.2006 issued by the Government of India, Ministry of Railways, New Delhi which deals with counting of service rendered in the old unit on 'own request transfer' for the purpose of qualifying service for promotion in new unit.

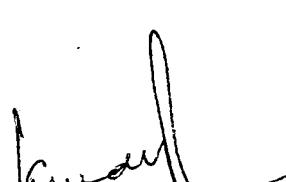
4. Since this applicant has been granted promotion to the post of Chief Law Assistant in the scale of Rs.7450-11500, the

letter dated 21.10.2005 (Annexure A/1) stands automatically quashed and set aside. The Circular dated 21.03.2006 has been issued subsequently after filing of this OA, it would be appropriate to direct the applicant to make a representation for counting his previous service in the old unit to the respondents, who thereafter shall pass necessary speaking order in the light of the said Circular dated 21.03.2006.

5. Accordingly, we dispose of this OA with the direction to the applicant to make a representation for counting his previous service in the old unit to the respondents within a period of fortnight from the date of receipt of a copy of this order, who thereafter shall pass necessary order within a period of two months from the date of receipt of such representation. If the applicant has any grievance on the order passed by the respondents, he would be at liberty to challenge that order by filing a fresh OA. No costs.



**(J.P. SHUKLA)**  
**MEMBER (A)**



**(KULDIP SINGH)**  
**VICE CHAIRMAN**

AHQ