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NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>24-5-07</p> <p>(JURIST SIMON) DEPUTY REGISTRAR</p>	<p>Mr Nand Kishore Counsel for applicant Mr Tej Prakash Sharma Counsel for respondent</p> <p>Heard. The matter has been disposed of by a separate order</p> <p>Kareem Ali (Tammam?) Administrative Member</p> <p>ON NO. 111/2007 2007 (Kuldeep Singh) Vice Chairman</p> <p>This case has been listed before the Deputy Registrar due to non availability of Division Judge. Be listed before the Hon'ble Division Judge on 7.05.2007.</p> <p>B.C.A.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.111/2006.

Jaipur, this the 24<sup>th</sup> day of May, 2007.

**CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.  
Hon'ble Mr. Tarsem Lal, Administrative Member.**

Bhanu Kumar  
S/o Shri Nemi Chand,  
Aged about 32 years,  
R/o 24, Katewa Nagar,  
Gurjar Ki Thari, New Sanganer Road,  
Jaipur.

... Applicant.

By Advocate : Mr. Nand Kishore.

Vs.

1. Union of India through  
General Manager, North Western Railway,  
Hasanpura Road,  
Jaipur.
2. Chief Administrative Officer (Construction)  
North Western Railway,  
Opposite Railway Hospital,  
Hasanpura Road,  
Jaipur.
3. Divisional Railway Manager,  
North Western Railway,  
Power House Road,  
Jaipur..

... Respondents.

By Advocate : Shri Tej Prakash sharma.

: O R D E R (ORAL) :

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

"(i) Direct the respondents to consider the options  
submitted by the applicant on 29.08.2002 and



forwarded on 30.08.2002 for absorption to North Western Railway Head Quarter Office, Jaipur.

(ii) Letter issued by the office of the General Manager dated 10/16.11.2005 (Annexure A/1) be quashed and set aside.

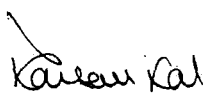
(iii) Any other directions and orders which deems proper in the facts and circumstances of the case may kindly be allowed to the applicant."

2. The facts of the case as alleged by the applicant are, that the applicant is working in the office of Respondent No.2 since 28.02.2001 as steno in the pay scale of Rs.4000-6000. On 29.08.2002 the applicant submitted his option form to his controlling authority and the authority forwarded the same to the office of Respondent No.1, which is evident from Annexure A/3 & A/4. The grievance of the applicant is that despite the fact that he exercised his option before time as per Railway Board's letter dated 6.12.1996 (Annexure A/2), applicant's name was not considered for absorption in NWR. The reason given by the respondents is that the option form was forwarded by Chief Administrative Officer (Construction) directly who is the controlling authority of the applicant and not by the lien controlling authority.

3. At this stage, we may mention that the <sup>similar</sup> ~~same~~ case was before us in OA No.483/2004, S. K. Sharma & Ors. Vs. UOI & Ors. in which one of us was the Member (Hon'ble Mr. Kuldip Singh, Vice chairman) and the said OA was allowed with the following observations :-

" The respondents are directed to consider the options submitted by the applicants for their absorption to NWR, Jaipur and issue appropriate order transferring them at the strength of NWR, Jaipur. The respondents were further directed to include the names of the applicants in any of the seniority list issued by NWR, Jaipur in the cadre in which they are working by treating their lien at the strength of NWR Jaipur. The above exercise is directed to be done within a period of three months from the date of receipt of a copy of this order. The respondents can proceed in the matter of granting next higher grade/promotion under the scheme of the restructuring of the cadre but after considering the candidature of the applicants."

4. We have no hesitation to allow this OA on the same set of lines. Accordingly, the OA is allowed and the impugned order Annexure A/1 is quashed. The respondents are directed to consider the option submitted by the applicant for his absorption in NWR, Jaipur and issue appropriate order transferring him at the strength of NWR, Jaipur. The respondents are further directed to include the name of the applicant in any of the seniority list issued by NWR, Jaipur in the cadre in which he was working by treating his lien at the strength of NWR Jaipur. The above exercise is directed to be done within a period of three months from the date of receipt of a copy of this order. The respondents can proceed in the matter of granting next higher grade/promotion under the scheme of the restructuring of the cadre but after considering the candidature of the applicant. No order as to costs.

  
(TARSEM LAL)  
ADMINISTRATIVE MEMBER

  
(KULDIP SINGH)  
VICE CHAIRMAN