

Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA.311/2006

This the 19th day of July, 2010

Hon'ble Mr. M.L.Chauhan, Member (Judicial)
Hon'ble Mr. K.S.Sugathan, Member(Administrative)

Ram Roop Kanaujia S/o Shri Kamta Prasad a/a 42 Years Old
R/o B.G.Railway Colony, Sawai Madhaupur, Rajasthan.
Presently working as A.D.S.T.E. at Sawai Madhaupur under
D.R.M. Kota.

..... Applicant

(By Advocate: Shri S.Shrivastava)

- Versus -

1. Union of India through General Manager,
West Central Railway, G.M. Office, Indra Market,
Jabalpur, M.P.
2. Divisional Railway Maganer, Kota Division,
West Central Railway Kota,
3. Divisional Railway Manager, Bhopal Division, Bhopal,
M.P.

..... Respondents

(By Advocate: Shri Siyaram proxy for Sh.T.P.Sharma)

ORDER (ORAL)

Grievance of the applicant in this OA is regarding grant of notional promotion to the post of J.E. grade I in the pay scale of Rs. 5500-9000 w.e.f. 30.9.1996. The applicant has placed on record copy of the order dated 16.10.1996 (Annexure A-1), whereby decentralization of the posts of Signal & Telecom Inspectors cadre upto and including Gr. Rs.2000-3200(RPS) (the revised pay scale of Rs. 6500-10500)in the respondent department was to be carried out w.e.f. 30.9.1996. Infact, such restructuring was carried out by

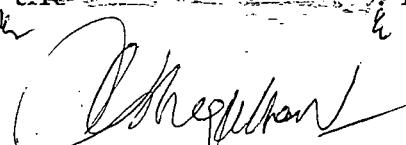
the Bhopal Railway vide office order No.585/1999 dated 19.7.1999 (Annexure A-2). Pursuant to Annexure A-2, the applicant has been granted promotion in the cadre of JE.Grade-I w.e.f 20.10.1999. According to the applicant, his promotion in the cadre of JE Grade-I pay scale of Rs.5500-9000 should have been effected notionally w.e.f. 30.9.1996 in terms of policy decision.

2. Notice of this application was given to the respondents. Respondent in their reply in para 4.5 have specifically stated that in the grade of JE-II Rs.5000-8000/- 15 persons were working against 12 sanctioned posts. In the JE Grade-I Rs. 5500-9000/-, eleven persons were working against the ten sanctioned posts and in the grade of Rs. 6500-10500, which is a selection post, seven persons were working against eleven sanctioned posts. Therefore, the question of giving promotion to the applicant does not arise. Thus, in view of stand taken by the respondents in the reply that on account of revised restructuring, as against 10 sanctioned posts in JE grade I eleven persons were already working, the applicant could not have been granted promotion as there was no available post for promotion to the applicant in the pay scale of Rs. 5500-9000. The stand as taken by the respondents whereby it has been stated that in the grade of Rs.5500-9000, eleven persons were working appears contrary to the cadre strength shown vide order dated 19.7.1999 (Annexure A-II), where existing strength of JE has been shown as 8 and not 11 as stated by the respondent in reply affidavit.

3. Thus, in view of what has been stated above no positive direction can be given as to whether applicant is entitled to relief. Thus without going into to the merits of the case, we are

of the view that it will be in the interest of justice if opportunity is given to the applicant to make his grievance before the appropriate authority. Accordingly, the applicant is directed to make representation within a period of one month from today. In case such representation is made by the applicant within aforesaid period, the appropriate authority shall dispose of the same by passing a reasoned and speaking order within a period of three months from the date of receipt of such representation.

4. With these observations, the OA shall stand dispose of ~~the~~ No order as to the costs.


(K.S.Sugathan)
Member (Administrative)


(M.L.Chauhan)
Member (Judicial)

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