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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

20.07.2011

OA No. 413/2008

None present for applicant.

Mr. B.K. Pareek, Proxy counsel for

Mr. T.P. Sharma, Counsel for respondents.

DB not formed today. Put up on 05.09.2011.

K. S. Rathore
(Justice K.S. Rathore)
MEMBER (J)

AHQ

mm

5-9-2011

Dr. Saugath Roy, Counsel for applicant
Mr. T.P. Sharma, Counsel for respondents

Heard. The OA is disposed of
by a separate order.

Anil Kumar
(Anil Kumar)
M(A)

K. S. Rathore
(Justice K.S. Rathore)
M(J)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 413/2008

DATE OF ORDER: 05.09.2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Nand Kishor Gupta, aged about 44 years, S/o late Shri Ghanshyam Dutt, R/o 1/756, Malviya Nagar, Jaipur, at present working as Senior Clerk in the pay scale of Rs. 4500-7000, posted at General Branch, DRM Office, North Western Railway, Power House Road, Jaipur.

...Applicant

Mr. Saugath Roy, counsel for the applicant.

VERSUS

1. The Union of India through General Manager, North Western Railways, Hasan Pura Road, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.

...Respondents

Mr. T.P. Sharma, counsel for the respondents.

ORDER (ORAL)

By filing this Original Application, the applicant has prayed that the order dated 21.08.2007, order dated 30.04.2008 and order dated 18.03.2008 be quashed and set aside, and the recovery already made be refunded to the applicant with interest. So far as this relief relating to refund of recovery is concerned, during the pendency of this O.A., the money which was recovered from the applicant, has been refunded back to him by the respondents. Now the relief with regard to the grant of benefit of Senior Clerk's promotion to the applicant with effect from 31.07.1997 in the light of the order dated 19.08.1997 with arrears and consequential benefits remains only.



2. In view of this fact, the learned counsel appearing for the applicant submitted that while the applicant was working as Office Clerk in Commercial Branch under the control of Senior Divisional Commercial Manager, Jaipur, an order was passed by DRM (E), Jaipur on 31.07.1997 and vide the above order, the applicant was promoted as Senior Clerk on adhoc basis in the pay scale of Rs. 4500-7000 and was posted at DFO, Phulera under the control of Senior Divisional Mechanical Engineer. The name of the applicant is shown at sl. no. 10 in the order dated 31.07.1997 (Annex. A/4).

3. But in compliance of the order dated 19.08.1997 passed by the Senior Divisional Commercial Manager, Jaipur, the Senior DPO, Jaipur issued an order dated 07.09.2001 by which the applicant was granted the salary of the promotional post on officiating basis only for the period from 30.06.1998 to 11.04.1999 whereas other similarly situated person namely Shri Dev Narayan Meena was granted the benefit of Senior Clerk from the date of adhoc promotion. Therefore, the applicant is claiming the similar treatment as is given to Shri Dev Narayan Meena.

4. The learned counsel appearing for the applicant placed reliance on the judgment rendered by the Central Administrative Tribunal, Principal Bench, New Delhi vide order dated 05.02.2010 in **OA No. 809/2009** (**Shri Gauri Shankar Sharma & Ors. vs. Lt. Governor of Delhi & Ors.**), and prayed that in the light of the observations made by the Principal Bench of the Tribunal in the aforesaid OA, the benefit as claimed by the applicant be extended in his favour

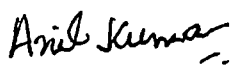


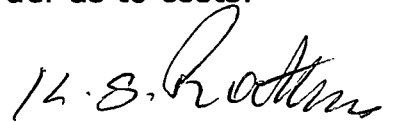
also, as has been granted to the similarly situated junior person Shri Dev Narayan Meena.

5. Thus, the relief claimed by the applicant that the respondents be directed to grant the benefit of Senior Clerk's promotion w.e.f. 31.07.1997 in the light of the order dated 19.08.1997, as discussed hereinabove, the learned counsel appearing for the respondents submits that the applicant may represent afresh to that extent, and the respondents will consider the same in accordance with the provisions of law.

6. Having considered the rival submissions of the respective parties and upon careful perusal of the order passed by the Principal Bench of the Tribunal in OA No. 809/2009 (supra), and also having considered the relief which remains now with regard to the benefit of promotion on the post of Senior Clerk w.e.f. 31.07.1997, the respondents are directed to consider the case of the applicant in the light of the judgment rendered by the Principal Bench of the Tribunal in OA No. 809/2009 (supra) and also in the light of the provisions of law, and extend the benefit as has been granted to similarly situated person Shri Dev Narayan Meena.

7. With these observations and directions, the Original Application stands disposed of. No order as to costs.


(ANIL KUMAR)
MEMBER (A)


(JUSTICE K.S. RATHORE)
MEMBER (J)