

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00671/2018

DATED THIS THE 19TH DAY OF JUNE 2019

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

Shivakumar.S.S
S/o Sri. Shankar Rao
Aged 51 years
Section Controller
O/o Senior Divisional Operating Manager,
South Western Railway,
Bangalore.Applicant

(By Shri K.Shivakumar..... Advocate)

Vs.

1. Union of India
Rep. by General Manager
South Western Railway,
Hubli

2.Chief Operations Manager,
South Western Railway,
Hubli .

3.Senior Divisional Personnel Officer,
South Western Railway,
Hubli ...Respondents.

(By Shri J.Bhaskar Reddy , Railway Standing Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. The ground raised by the respondents is basically that since original notification for promotion was of 2005, the matter is vitiated by delay. We note from the records that there had been continual correspondence between the parties. In fact, the Head Quarters had been asking Division for sending a relief, so that, applicant could be relieved for attending the practical training. Apparently, for some reason, Division could not accede to it. Because of this the delay had happened. If, at all there is any delay, even though technical, we hereby condone.

2. The matter is in a very short compass. Applicant and others were selected for a promotional post of Controller of Signals. Applicant happened to be in the Head Quarters whereas others were in the Division. Even though the applicant had completed theory training, he could not be sent for practical training because there was no relief available for him, even though the Head Quarters also tried for it. Apparently, applicant had made repeated representations for this to make available for him a practical training so that he can be considered along with his group promotees. However, since others are promoted on 4/2008, applicant's promotion came only on December 2008. Because of this now the Railway Board had issued a circular relating to merger of pay scales of these promotees. Now, the applicant fears that because of his formal

order of promotion was issued only in the month of December 2008, he may not be given equivalent benefits along with the other promotees with whom he had appeared for the selection and had passed.

3. Therefore, we now hold and declare that applicant is eligible to be considered along with all other promotees who had been promoted in April 2008 and be granted the same benefit along with them. There will be a mandate issued to the respondents to pass appropriate orders within 2 months next. OA is allowed. No order as to costs.

4. But at the same time we make it clear that only proforma benefits will be given to him but, it at all actual benefits are to be given to him, it shall date from the date of OA. This point is also clarified.

5. OA is allowed. No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the Applicants in OA No.671/2018

Annexure-A1: Copy of notification dated 29.9.05

Annexure-A2: Copy of order of CAT

Annexure-A3: Copy of notification dated 28.6.06

Annexure-A4: Copy of CPO/SWR letter dated 28.12.06

Annexure-A5: Copy of selection list dated 26.7.07

Annexure-A6: Copy of DRM's letter dated 3.12.07

Annexure-A7: Copy of CPTM's message dated 5.1.08

Annexure-A8: Copy of representation dated 5.5.08

Annexure-A9: Copy of representation dated 9.7.08

Annexure A10 : Copy of Rly. Boar's order dated 8.4.16

Annexure A11: Copy of representation dated 22.4.17

Annexure A12: Copy of representation dated 31.10.17