

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

6 C.P. No. 243/2004 In
O.A. No. 1455/2003

New Delhi this the 18th day of November, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Suraj Prakash Sharma
Son of late Shri Sudershan Dev,
Working as Stenographer, N. Rly,
Divisional Hospital, Delhi.

-Applicant

(Applicant in person)

Versus

1. Union of India through
Shri R.R. Jaruhar
General Manager, N. Rly,
Baroda House, New Delhi.
2. Shri P.K. Goel,
Divisional Railway Manager,
N.Rly, Chelmsford Road,
New Delhi.

-Respondents

(By Advocate: Shri A.K. Shukla)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A):

OA-1455/2003 was disposed of vide order dated 3.11.2003 (Annexure A-1) with a direction to the respondents to dispose of applicant's representation applying law as laid down by the Hon'ble Supreme Court in the case of **Rajbir Singh Vs. Union of India** (SLP No.7055/89). Hon'ble Supreme Court had laid down in the case of Rajbir Singh (supra) that seniority has to be determined after taking into account the period of ad hoc service since the initial date of promotion to Class-III service till the date of regularization in 1986.

2. Learned counsel for respondents drawing our attention to Annexure A-5 dated 31.5.2004 contended that respondents have complied with directions of this court and allocated seniority and consequential benefits to the applicant.

3. Applicant, who is present in person, stated that applicant had started functioning as Stenographer in the scale of Rs. 330-560 since 17.8.1977. Although he had cleared the

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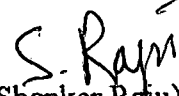
suitability test for Stenographer in 1980, his service as Stenographer since 17.8.1977 has to be taken into cognizance for his seniority/promotion and other purposes.

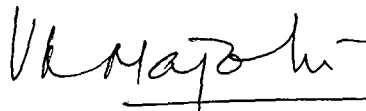
4. Learned counsel for respondents referring to respondents' additional affidavit dated 29.10.2004 stated that applicant had switched over to the cadre of Stenographer from that of Store Issuer/Tool Checker w.e.f. 17.8.1977. However, Shri Rajbir Singh continued in the cadre of Store Issuer. Both of them were regularised as Store Issuer on 14.12.1976. While applicant's service as ad hoc Stenographer had been taken into cognizance for all purposes, he was regularised as Stenographer w.e.f. 26.9.1986. He pointed out that Rajbir Singh was given the benefit of reservation being a Schedule Caste by Notification dated 16.5.1991 (Annexure A-1) as he remained in different stream.

5. We have considered the rival contentions.

6. It seems that applicant has been given the benefit of ad hoc service as Stenographer w.e.f. 17.8.77 as also being a general category ^{candidate} by in the stream of Stenographers. However, Rajbir Singh has been accorded benefits in his stream of Store Issuer combined with being a candidate of Scheduled Caste. The issue being raised here at this juncture is ^{whether} by ~~that~~ applicant could be given identical treatment in seniority and promotion in different streams. Although both of them belong to different categories for promotion, i.e., as general candidate vis-à-vis the category of Scheduled Caste, this is a contentious issue.

7. Taking into consideration Annexure A-5 dated 31.5.2004 purported to have been passed in pursuance of Tribunal's directions along with additional affidavit of the respondents as also Annexure A-1 attached with the additional affidavit, this CP is disposed of and notices to the respondents are discharged. However, applicant shall have liberty to challenge respondents' orders dated 31.5.2004 (Annexure A-4) through separate appropriate legal proceedings, if so advised.


(Shanker Raju)
Member (J)


(V.K. Majotra)
Vice Chairman (A) 18.11.04

cc.