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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 333/2005
OA 2748/2003

New Delhi, this the 28th day of November, 2005

HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

Amar Pal Jayant
Booking Supervisor
Northern Railway,
Station, Panipat (HR).

.....Applicant.

(By Advocate Shri M.L. Sharma)

VERSUS

1. Shri V.N. Mathur,
General Manager,
Northern Railway,
Headquarter Office,
Baroda House,
New Delhi.
2. Shri P.K. Goel,
Divisional Rail Manager,
Northern Railway,
Estate Entry Road,
New Delhi.

....Respondents.

(By Advocate Shri A.P. Sahay)

O R D E R (ORAL)

By Shri V.K. Majotra, Vice-Chairman (A):-

Learned counsel heard.

2. OA 2748/2003 was decided by the orders dated 04.8.2004 with the following directions to the respondents.

"8. Having regard to the above, OA is partly allowed. Respondents are directed to re-consider the claim of applicant for promotion strictly in accordance with the provisions of RBE-13/1993, particularly in view of paragraphs 3.1 and 3.5 and re-consider the claim of applicant for promotion. In the event he is found fit otherwise, he shall be accorded promotion with effect from the date of promotion of his immediate junior with all consequential benefits. This re-consideration shall be done within a period of three months from the date of receipt of a copy of this order. No costs."



3. Learned counsel for respondents stated that respondents have granted sanction for payment of difference of pay from the date of proforma promotion of the applicant i.e. with effect from 27.1.2000 onwards. Learned counsel for applicant stated that respondents have not implemented the directions of this Court in true spirit as he pointed out that applicant was senior to Shri Kishan Lal who was promoted on 6.3.1997 (Annexure CP-4) and as such applicant ought to have been granted promotion and arrears of pay w.e.f. 6.3.1997.

4. On the other hand, learned counsel for respondents stated that the applicant had come on transfer to Delhi division and was promoted as Booking Supervisor in grade of Rs.5500-9000/- w.e.f. 27.1.2000 on proforma basis from the date of promotion of his junior Shri Ram Snehi. And as such applicant could not have been promoted w.e.f. 06.3.1997 or 01.5.1997, as he was undergoing a major penalty charge-sheet SF-5 while working on FZR (Firozpur) Division. The question whether applicant's junior is Shri Kishan Lal or Shri Ram Snehi is a contentious issue. The question of seniority was not decided by us in previous OA of the applicant namely OA 2748/2003.

5. As such ~~while~~ on the basis of sanction order dated 24.11.2005 passed by the respondents regarding payment of arrears to the applicant w.e.f. 27.1.2000 with reference to the promotion of the applicant's junior namely Shri Ram Snehi, the CP is dropped ^{and b} ~~and~~ Notices to the respondents are discharged. However, the applicant shall be at liberty to take appropriate steps regarding the question of seniority and promotion being related to his seniority vis-à-vis ~~the~~ another person Shri Krishan Lal. Respondents may supply the due and drawn statement to the applicant as well.


(Mukesh Kumar Gupta)
Member (J)

/gkk/


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

28.11.05