

Central Administrative Tribunal  
Principal Bench

OA 2829/2003

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New Delhi this the 9<sup>th</sup> day of November, 2004

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

A.K. Taneja  
Permanent Way Inspector Gr.II  
Central Railway, Agra Cantt. (U.P.)

-Applicant

(By Advocate: Ms. Meenu Mainee proxy for  
Shri B.S. Mainee)

-Versus-

Union of India : Through

1. The General Manager  
Central Railway, C.S.T.  
Mumbai.
2. The Divisional Railway Manager  
Central Railway  
Jhansi.
3. The General Manager  
North Central Railway  
Allahabad (U.P.)
4. The Divisional Railway Manager  
North Central Railway  
Agra (U.P.)

Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

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

Applicant is aggrieved by non-consideration of his case for promotion on the post of P.W.I Grade-I in the scale Rs.6500-10500 in order of seniority despite repeated representations. Applicant is stated to have been promoted as P.W.I grade II scale Rs.550-750/Rs. 5500-9000 in 1995. According to the applicant, he was medically unfit for sometime for promotion. However, vide Annexure A-2 dated 21.8.98, though he was declared medically fit for promotion, respondents did not consider his case in selections held in the years 1999, 2000, 2001 and 2002.

Earlier on, applicant had approached this Tribunal through OA-

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2208/2002 which was disposed of vide order dated 3.9.2002 with a direction to the respondents that applicant's appeal be disposed of within a period of six months. Vide Annexure A-1 dated 31.3.2003, respondents have disposed of his appeal stating that his case would be considered for selection to the post of Sectional Engineer (SE) (P.Way) Gr.6500-10500 (RSRP) and on his qualifying in the selection, he would be assigned seniority on proforma basis over his immediate junior in grade Rs.5500-9000 (RSRP) who had already qualified in the selection ~~are b~~ and <sup>b</sup> working as SE (P.way) Gr.Rs. 6500-10500 (RSRP). It was also ~~conveyed~~ <sup>b</sup> by these impugned orders (Annexure A-1) that the date for selection shall be communicated in due course.

2. Learned counsel of applicant stated that respondents have not communicated the date for selection in terms of Annexure A-1 dated 31.3.2003 till now. Learned counsel further pointed out that several juniors of the applicant have been promoted to the post of SE (P-Way) grade Rs. 6500-10500.

3. On the other hand, learned counsel of respondents stated that the Railway Board vide orders dated 9.10.2003 (Annexure R-2) issued detailed instructions for restructuring of certain Group 'C' & 'D' cadres. As such, cadres in Agra Division were closed on 31.10.2003. Applicant had been working in Agra Division. The seniority list as on 1.11.2003 of various cadres including the cadre of PW.I Grade-II is being finalized. Even the vacancy position in various cadres including cadre of PW.I Grade-I to which the applicant is seeking promotion is being worked out as per the revised sanctioned strength after implementation of cadre restructuring orders. Agra Division came into existence on 1.4.2003. Learned counsel of respondents stated that applicant's case will be considered in terms of Tribunal's orders dated 3.9.2002 and on selection, applicant would be assigned seniority on proforma basis over his immediate juniors who qualified in the selection and are working as PW-I in pay scale of Rs.6500-10500.

4. We have considered the respective contentions of the parties.
5. From the facts and circumstances of the case, it is found that applicant has been a victim of circumstances. Consideration of his case for promotion was initially delayed on account of his illness. However, after he was certified as fit for consideration for promotion to the post of Sectional Engineer (P.Way) Grade Rs.6500-10500, his case was not considered in the years 1999,2000,2001 and 2002. Thereafter the matter got further complicated when restructuring of certain Group C&D cadres was directed vide Annexure R 2 dated 9.10.2003. To the suggestion that, applicant's case should be considered in the next selection to be held by respondents on finalisation of seniority list for the cadre of PW-1 Grade II in Agra Division, learned counsel for respondents fairly consented that applicant would be considered for selection on finalisation of the seniority list for the cadre of PW-I Grade-II in Agra Division when the next selection is held for the post of SE(P.Way) grade 6500-10500 and that on his qualifying in the selection, he would be assigned the seniority on proforma basis over his immediate junior in Grade Rs.6500-10500 (RSRP) who had qualified in the selection earlier and working as SE(P.Way) Grade Rs.6500-10500 (RSRP). Ordered accordingly.

6. OA stands disposed of.

  
(Shanker Raju)  
Member (J)

cc.

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

9.11.04