

Sh Jitendra Singh,

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During discussions with Sh. Y.S. Chaudhary, I gathered a very important information about Sh. K.J. Reddy and Sh T.Venkatswarlu of Traffic department who had filed a case for anti dating of their induction from the date of vacancy instead of the finalization of the DPC (as is presently done) under OA NO. 128/2002 and OA No. 133/2001 respectively in the CAT at Hyderabad. Sh. K.J. Reddy was inducted in Gp. 'A' w.e.f. 15/7/99 against the vacancy of 1996. He therefore claimed that his induction should be antedated w.e.f. 1996.

In the words of the judgement:

“As per the applicants ... abnormal delay in holding the DPC for 1996 has caused irreparable loss and injury to the applicants The applicant having been considered against the vacancies of 1996, being within the zone of consideration by virtue of completing 8 years of Gp. 'B' regular service as against 3 years provided in the code. Appointing the applicant with effect from 15.07.99 instead of 1996 vide the impugned order dated 12.8.1999 was highly arbitrary and illegal.

When direct recruits have been appointed against 60% direct recruitment quota vacancies of 1996, delaying by 3 years the appointment of the applicant against the 40% promotees quota of vacancies of 1996 was highly arbitrary, discriminatory and against all principles of natural justice. The delay in conducting the DPC was entirely on the part of the respondents and for the lapse of respondents; the applicant could not be put on loss.

The Hon'ble Court; then held as under:

“17. the respondents, are, therefore, directed to carry out correction in the seniority of promotion of the applicants to the Group 'A' posts in which they have been officiating from the date when regular vacancy

arose and from the date of promotion of the applicants against such regular vacancy, which as per the claim of the applicants arose in 1996.

I am surprised, that such a good judgement given by the Hon'ble Court as for back as 2005, has not been brought to the notice of all. The facts must have been known to our Federation, as a very important office bearer of our Federation and the Secretary of SC Rly happens to be law officer of SC Rly. In fact the Federation should have taken up this issue with the administration. At least, this aspect should have been told to Sh. Y.S. Chaudhary while filing almost similar case in the Principal bench of CAT at New Delhi.

Should we, at least, now, expect a positive act on behalf of the Federation, if not earlier.

Hope to hear soon from you.

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