

Central Administrative Tribunal
Principal Bench

MA 1469/2002
OA 1830/2002

New Delhi, this the 24th day of July, 2002

Hon'ble Smt. Lakshmi Swaminathan, VC (J)
Hon'ble Shri V.K.Majotra, Member (A)

1. Shri Suresh Kumar
S/o Shri Babu
Working as Safaiwala under
DMO, Rewari.
2. Shri Ram Kumar
S/o Late Shri Jug Lal
Working as Safaiwala under
DMO-Rewari.

..... Applicant
(Shri M.K.Gaur, Advocate)

Versus

Union of India, through

1. The General Manager
Northern Railway
Baroda House,
New Delhi.
2. Divisional Railway Manager
Northern Railway
Bikaner Division,
Bikaner (Rajasthan).

None for the respondent

Order (Oral)

By Shri V.K.Majotra, Member (A)

Heard.

2. This application has been made against respondents' action in not fixing the seniority of the applicant in the cadre of Safaiwala because of which the applicant has not been promoted to the post of Jamadar while junior persons than the applicant have been promoted as such. Learned counsel relied on Annexure A.1 which are deliberations of 137th PNM meeting held on 28-29th May, 2002. The extract of proceedings of Item 16 relating to the applicants' promotion as Jamadar is reproduced below:-

h

" Ignoring for promotion as Jamadar - Case of S/Shri Suresh Kumar S/o Babu Lal and Ram Kanwar S/o Shri Jug Lal Safaiwala under Sr. HI (colony)/RE: Sr.Ms/LGH

They were appointed as permanent Safaiwala in Sanitation Department against 20% Loyal Quota on 2.9.74 and 21.9.74 respectively but it is very surprising that their service files are lying blank. There is no entry of their appointment due to which their names are not being considered for promotion as Jamadar. It is pointed out that this case was discussed with Sr.M.S/RE & Sr.HI/RE who says that they have been working in CPC scale. Union is unable to understand how they have been ignored for screening whereas, their juniors have since been screened. It is fact that the wards of Rly. employees were appointed against 20% Loyal Quota against permanent posts as such the question of the CPC in this case does not arise. It is further added now a letter has been issued to both the employees by Sr.MS/RE to produce their papers of appointment whereas their appointment letters were collected by DMO/BKN because at that time whole the division was controlled by one DMO/BKN as such they are not in a position to submit any papers regarding their appointment.

Union requests to assign seniority to them from 2.9.74 and 21.9.74 respectively, so that they may be promoted as Jamadar as per seniority provisions. As per Office record, both the employees were not appointed against Loyal Quota. They were engaged as Casual Labours and are still working in CPC scale. Union is requested to please give the authentic proofs in support of their appointment against loyal quota."

3. The union was asked in these proceedings to give authentic proof in support of applicant's appointment in loyal quota. Learned counsel for the applicant was asked to supply to the respondents the proof of applicant being appointed against loyal quota. No satisfactory reply to this query could be made. Obviously, whereas the respondents were prepared to examine the claims of applicants on furnishing proof in support of appointment of applicants against loyal quota, applicants have not availed of the opportunity by providing the information sought for. In this background and also having regard to the provisions

42

contained in Section 20 of the Central Administrative Tribunal Act, 1985, we find that no case is made out on behalf of the applicants.

4. The OA is accordingly dismissed in limine.

Vk Majotra

(V.K.Majotra)
Member (A)

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Vice Chairman(J)

/shyam/