

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

MA NO. 368/2003
CP NO. 27/2003 IN
OA NO. 1155/2002

This the 17th day of February, 2003

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Jokhu Ram Saroj
Son of Sh. Ram Pher,
Working as Booking Clerk, N.Rly.,
Ghaziabad/Delhi Division,
R/o Badri Prasad News Agency,
Ghookna Morh,
Ghaziabad (U.P.)

(By Advocate: Sh. K.K. Puri)

Versus

Sh. V.K. Aggarwal,
Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi-110055.

(By Advocate: Sh. V.S.R. Krishna with
Sh. Rajender Khatter)

ORDER (ORAL)

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

We have heard the learned counsel of both sides.

2. In OA-1155/2002 applicant had sought direction to respondents to assign correct seniority to him taking into consideration his merit position No.1 in the training test at Chandausi. It was submitted by the learned counsel on his behalf that as per order dated 2.5.2002 whereby OA-1155/2002 was disposed of, applicant should have been placed below Sh. Gulshan Kumar who is at Sl. No.19 and above Sh. Mohan Lal who is at Sl. No.20 in the seniority list of Booking Clerk Grade Rs.975-1540 (RPS) of Delhi Division taking into consideration the respective merit positions of these persons in the training test at Chandausi.

3. Learned counsel for respondents referred to Annexure CR-3 dated 14.2.2003 which is an order passed by the respondents pursuant to directions of this Court contained in order dated 2.5.2002 in OA-1155/2002 stating that respondents have considered complete records of the case as also the directions of this Tribunal and retained applicant's seniority at Sl. No.25A and he could not be promoted at par with his junior Sh. Mohan Lal for the reason that on the relevant date a chargesheet was pending against him and that consequently punishment was also imposed vide orders dated 9.10.96. Learned counsel further stated that on review, applicant's junior Sh. Mohan Lal's seniority was revised from Sl. No.20 down to Sl. No.25B.

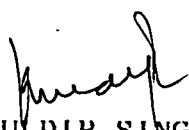
4. Learned counsel also showed us a letter issued by DRM office, New Delhi dated 25.7.2002 regarding rectification of seniority as Senior Booking Clerk of Sh. Mohan Lal. It is stated that his seniority was rectified and he was placed at Sl. No.25B below the name of Sh. Jokhu Ram Saroj and above the name of Sh. Lalji Ratnakar in the seniority list in the grade of Rs.975-1540 (RPS). Learned counsel has also shown the correct seniority list in which the name of Sh. Jokhu Ram Saroj, applicant herein, had been showed at Sl. No.25A as per order dated 29.9.2000 and Sh. Mohan Lal's name has been shown at Sl. No.25B. The directions issued by this court were to assign the applicant correct seniority as well as promotion vis-a-vis applicant's junior Sh. Mohan Lal. From the statements made by the learned counsel of the respondents at Bar as well as documents shown by him, we find that applicant's seniority has been retained at Sl. No.25A while applicant's junior Sh. Mohan Lal's seniority has been brought down to Sl. No.25B. It has been stated by counsel of the respondents at Bar that though Sh. Mohan Lal, applicant's


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junior has been promoted on 21.12.95 applicant could not be promoted as there was a chargesheet pending against him since 9.5.94 and he had been under suspension. Applicant was imposed punishment in the disciplinary proceedings as per order dated 9.10.96 (Annexure CR-3) on the basis of chargesheet dated 21.12.95. Obviously, applicant cannot have any grievance relating to seniority as well as promotion of Sh. Mohan Lal in the light of the above facts. If the applicant has a grievance relating to seniority and promotion of some other juniors, that will constitute a separate cause of action for which applicant may seek remedy separately as per law.

5. Having regard to the above discussion and reasons, there is no merit in the CP which is accordingly dismissed.

6. MA-368/2003 - By this application, respondents seek recall of order dated 2.5.2002 in OA-1155/2002. In view of the dismissal of CP-27/2002 in OA-1155/2002 as above, this application too, stands disposed of.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

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