

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1559/1995

(9)

New Delhi this the 25th day of August, 1999.

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

HON'BLE SHRI SYED KHALID IDRIS NAQVI, MEMBER (J)

Anil Kumar Saini,
TCM Grade III,
Northern Railway Trunk Exchange,
Office of Divisional Railway Manager,
State Entry Road,
New Delhi. Applicant

(None Present)

-Versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Office of Divisional Railway Manager,
State Entry Road,
New Delhi.
3. Divisional Personnel Officer,
Northern Railway,
State Entry Road,
New Delhi.
4. Surinder Kumar Sharma S/O O.P. Sharma,
C/O CTI/1/Exchange,
D.R.M. Office, State Entry Road,
New Delhi. Respondents

(None Present)

O R D E R (ORAL)

Shri R. K. Ahooja, AM :

None has appeared on either side though the O.A. was called out twice. Since it is an old case pending since 1995, we propose to dispose of it on the basis of material available on record.

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2. The applicant is a Telecom Maintainer Grade II (hereinafter referred to as TCM Gr. II) and is eligible for promotion to the post of TCM Gr. I in the pay scale of Rs.1320-2040. His grievance is that the respondents vide their memorandum dated 8.8.1995, Annexure-III, called a number of officials holding the post of TCM Gr. II for a trade test with a view to consider them for promotion to the post of TCM Gr. I. He submits that a number of persons junior to him had been called for this trade test ignoring his claim. He, therefore, has made a prayer that the aforesaid memorandum of the Northern Railways dated 8.8.1995 be quashed and the name of the applicant be also directed to be included in the said list of candidates before holding the trade test for promotion to TCM Gr. I.

3. On the basis of an interim order dated 24.8.1995, the respondents were directed to allow the applicant also to take the trade test.

4. In the counter, the respondents have stated that the applicant was initially appointed in the Allahabad Division and he was transferred to the Delhi Division at his own request after accepting bottom seniority vide letter dated 24.1.1984. The applicant has not mentioned the name of any of his juniors who have been called for the trade test. As regards one Shri S.K. Sharma in respect of whom the applicant has stated in his O.A. that he is junior to him, the respondents have stated that the applicant as well as Shri S.K. Sharma had been working in the Allahabad

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Division and they had both come at the same time on transfer to Delhi Division at their own request accepting bottom seniority. In view of this position, the inter se seniority between the applicant and Shri S.K. Sharma has to be determined in terms of their inter se seniority in the Allahabad Division. According to the respondents a reference has accordingly been made by the Delhi Division to the Allahabad Division and final decision regarding their inter se seniority would be taken on receipt of the requisite information from the Allahabad Division.

5. The respondents have further stated that the applicant has since been considered and promoted as TCM Gr.I vide notice dated 13.5.1996, Annexure R-2. We notice that the persons who had been called for trade test vide the impugned notice dated 8.8.1995, e.g., Ram Avtar, Hukam Chand, Rameshwar Pd. etc. had also been informed of their selection and posting vide the same notice dated 13.5.1996. The name of the applicant appears at sl. no.48 in the said notice. The main relief sought for by the applicant that he should be trade tested for consideration for promotion to TCM Gr.I having been granted by the respondents themselves, the application has become infructuous.

6. Although the applicant has mentioned regarding the dispute in regard to his inter se seniority with Shri S. K. Sharma, no specific relief in that regard has been sought in the application. The respondents have stated that this question would

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be resolved on obtaining the requisite information from the Allahabad Division. We, therefore, do not consider it necessary to make any further observation in this regard.

7. In the result, as the relief sought for by the applicant has already been granted by the respondents themselves, this O.A. becomes infructuous and it is dismissed as such. No costs.

R.K. Ahooja
(R. K. Ahooja)

Member (A)

Syed Khalid Idris Naqvi

(Syed Khalid Idris Naqvi)
Member (J)

/as/