

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2141/95

New Delhi this the 16th day of October 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

S.R. Bodwal
S/o Shri Parbhati Lal
House No.RZ-12, L/4 Gali No.5
Main Sagarpur
New Delhi - 110 046.

...Applicant.

(By advocate:Mr P.M. Ahlawat)

Versus

Union of India through

- | | |
|---|---|
| 1. The General Manager
Northern Railway
Baroda House
New Delhi. | 4. Shri Balkishan
Junior Inspector (Tickets)
Northern Railway
Sahranpur (U.P.) |
| 2. The Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi. | |
| 3. Shri Dalip Singh
Junior Inspector Tickets
Northern Railway | ...Respondents. |

(By advocate: Mr O.P.Kshatriya)

O R D E R (oral)

By Dr Jose P. Verghese, Vice Chairman (J)

The petitioner is aggrieved by wrong fixation of seniority of the petitioner vis-a-vis his juniors, namely Shri Dalip Singh and Shri Bal Krishan who are arrayed as respondents Nos.3 & 4. The relief sought from this Court is that the respondents may be directed to re-fix the seniority and place the petitioner above the said two respondents and grant all consequential benefits.

2. Respondents have filed a reply and have annexed a seniority list in which the applicant is shown at Sl.No. 68. One Shri Bal Krishan is also shown senior to the petitioner in the said seniority list at Sl.No.3.

3. Petitioner on the other hand states that the seniority list now produced does not make any difference for the petitioner for the reason that the seniority is in the cadre of Head T.T.E. By an annexure annexed to the reply (R-1), it is shown that one Shri Bal Krishan is junior to the petitioner and it is stated in the said letter that the petitioner was promoted as HTCR w.e.f.11.3.88 on ad-hoc basis and not on 11.3.85 and thus the said Bal Krishan happened to be senior to the petitioner. The claim of the respondents that the petitioner has not been promoted on ad-hoc basis as Head TTE because he did not opt for it is wrong because para 4.3 of of the counter clearly indicates the year 1984-85 during which the promotions from Senior Ticket Examiner Grade Rs. 1200-2040 (RPS) to Head T.C.R./Head TTE Grade Rs. 1400-2300 was made as per options from the employees. The petitioner was also an optee in the cadre of Head TTE, a fact now admitted by the respondents in their counter, in the same manner as Bal Krishan was as Head TTE.

4. The respondents on the other hand seem to show one Bal Krishan and the wrong conclusion seems to have arisen from the fact that there are three Bal Krishans in the service and out of which two of them are described as

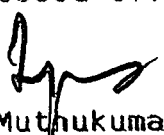
son of Hira Lal'. For the purpose of ascertaining the claim of the petitioner, the petitioner is directed to produce the order of posting in July 1978. One Bal Krishan, son of Hira Lal is said to be junior to the petitioner and the petitioner says that the selfsame Shri Bal Krishan is now wrongly shown as senior to the petitioner. For proper adjudication of the case, the identities of the three Bal Krishans have to be ascertained.


5. In the circumstances, the petitioner is entitled to the relief he is seeking, namely, to place his name above the said Bal Krishan, the one whose name appears in the posting order dated July 1978, since the same was denied to the petitioner on a wrong impression that he was not an optee in the year 1984-85. The irresistible conclusion is that the petitioner should have been treated all along as senior to the said Bal Krishan. For the purpose of reference and identity of the said Bal Krishan, respondents shall refer to the order of December 1988, copy of which becomes part of the order of this Court being passed today.

6. In the circumstances, the OA succeeds to the extent stated above. We direct the respondents to treat the petitioner as senior to the said Bal Krishan and the petitioner is entitled to all consequential benefits including fixation of seniority. It is stated that the petitioner may be given only a proforma fixation as far as subsequent promotions are concerned but the benefit of

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seniority shall be given along with the benefit for consideration of his name for subsequent promotions. With respect to payment of arrears, it is stated that since the petitioner is entitled to proforma promotion, there is no question of payment of arrears. He will be entitled to pay fixation within 8 weeks from the receipt of a copy of this order and thereafter he is entitled to arrears from the expiry of said eight weeks, alongwith interest at the rate of 9% per annum. With this, OA is disposed of. No costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

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