

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1702/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 20th day of April, 2000

1. Shri K.N.Saxena
s/o late Shri I.N.Saxena
retd. IRTS Officer
Northern Railway
New Delhi.
r/o MM-213, Sector-D(Deep Vivihar)
Aliganj Scheme
Lucknow - 20.

2. Shri A.P.Chaudhary,
s/o Dr. J.R.Chaudhary
Retd. IRTS Officer
Northern Railway
New Delhi.
r/o B-19, Satyawati Colony
Ashok Vihar Phase-III
Delhi - 110 052.
(None)

... Applicants

Vs.

Union of India through
the General Manager
Northern Railway
Baroda House
New Delhi.
(By Shri R.L.Dhawan, Advocate)

... Respondent

O R D E R (Oral)

By Reddy. J.

The applicants seek the following reliefs in
the OA:

i) The Hon'ble Tribunal May be pleased to:

(a) quash the impugned two orders dated
29.9.1995 at Annexures A-II and A-IIA
holding the applicants as not eligible
for interpolation in the Group B panel of
1972-73.

(b) direct that since their juniors
have been treated as eligible and
considered by the Review Selection Board,
the two applications should be treated as
eligible in terms of para 203 IREM and
their cases be referred to a Review
Selection Board and if such Board finds
them suitable, they should be
interpolated in 1972-73 panel and given
all consequential benefits to the extent
ordered in the judgement dated 8.6.1995
in OAs 936/89 and 360/88 i.e. notional

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promotion with proforma fixation of pay, which will call for redetermination of their retirement benefits. ④

2. The applicants are Graduate Direct Recruits who had joined as Commercial Apprentices in the Commercial Branch of the Railways. The dispute is between the Direct Recruits and the promotees. The applicants seek interpolation in the panel for promotion in the Group B panel of 1972-73. The applicants seek to rely upon the Judgments of the Central Administrative Tribunal in OA No. 936/89 and 360/88, both the cases decided on 8.6.1995. They seek for the same benefits as were granted by the Tribunal in favour of the applicants therein in interpolation in the panel of 1972-73. The grievance of the applicants, therefore, relates to 1972-79, about 20 years old. It is seen that the applicants in the above OAs have approached the Court in the year 1988 and 1989. It is a well settled position that the seniority of employees should not be disturbed after a lapse of several years. In K.R.Mudgal & Others Vs. R.P.Singh & Others, 1986(4) SCC 531 wherein the Supreme Court held that

" Satisfactory service conditions postulate that there should be no sense of uncertainty amongst the Government servants created by the writ petitions filed after several years. It is essential that anyone who feels aggrieved by the seniority assigned to him should approach the court as early as possible as otherwise in addition to the creation of sense of insecurity in the minds of the government servants there would also be administrative complications and difficulties. A government servant who is appointed to any post ordinarily should at least after a period of 3 or 4 years of his appointment be allowed to attend to the duties attached to his post peacefully and without any sense of insecurity. In the present case the appellants had been put to the necessity of defending their appointments as well

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as their seniority after nearly three decades. This kind of fruitless and harmful litigation should be discouraged. The High Court was wrong in rejecting the preliminary objection raised on behalf of the appellants (who were respondents in the writ petition before the High Court) on the ground of laches" (8)

3. By allowing the OA, we will be unsettling the seniority of scores of employees. In the circumstances, we find it not possible to interfere with the impugned order. The OA is, therefore, liable to be dismissed under Section 21 of the Administrative Tribunals Act, 1985.

4. Even on merits, it is clear from the impugned order that the applicants' cases have been considered in accordance with the Judgment of the Tribunal in the above OAs but they were not found eligible for giving any benefits under the above judgments. In the counter, it is stated that the last person, in the revised seniority list of panel of 1972-73, Shri H.C.Srivastava, whose position in the said seniority list was 62A, whereas the applicants No.1 and 2 are at Sl.Nos.105 and 123 respectively of the same seniority list and no junior person was ~~not~~ included in the panel of the 1972-73.

5. In the circumstances, the applicants cannot have any claim for interpolation in the above seniority list. The OA is, accordingly, dismissed. No costs.


(SMT. SHANTA SHASTRY)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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