

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.2044/96

New Delhi, this the 13th day of March, 2000.

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, V.C. (J)
HON'BLE MRS. SHANTA SHAstry, MEMBER (A).

Sh. Naik Mohammed, Welder
Grade-III, S/O Sh. Seth Subi,
C/O Brigade Inspector (M),
Northern Railway, Bareilly (UP)
.....Applicant.
(By Advcoate: None)

VERSUS

1. Union of India - through:

The General Manager,
Northern Railway, Baroda
House, New Delhi - 110001.

.....Respondent.

(By Advocate: None)

ORDER (ORAL)

Delivered by V.Rajagopala Reddy:

None has appeared on behalf of the applicant as well as on behalf of the respondents. Since, the matter is of 1996, we have proceeded to dispose of the matter on merits as per Rule 15 of C.A.T. (Procedure) Rules. We have given careful consideration to the pleadings.

2. The applicant was originally working as Khallasi. In pursuance of the directions given in OA 706/86 by the Principal Bench in its orders dated 7.6.93, the respondents permitted him to sit in the trade test for the post of Welder Grade-III and eventually he was appointed as Welder Grade-III in the scale of pay of Rs.950-1500 vide order dated 20.8.94. It is his grievance that Sh. Desh Raj & Ramesh Chand, who are his juniors, have been promoted as Welder Grade-III. He, therefore, seeks promotion in preference to Sh. Desh Raj



(2)

9

& Ramesh Chand to Welder Grade-III and to the higher posts of Welder Grade-I etc.

3. It is the case of the respondents that the applicant was rightly shown his place in the seniority list w.e.f. 20.8.94. The respondents stated that the trade test was held for the post of Welder Grade-III during February, 1986 in Moradabad sub division under ABE, the eligible senior-most staff were called for the trade test as per their seniority. The applicant who was working as Khallasi stood at Sl.No.5 in the seniority list of Khallasi and that Sh. Desh Raj and Sh. Ramesh Chand were shown at Sl.Nos. 2 & 3. Hence, they were called for trade test in preference to the applicant. It is also stated that there were only three posts and three senior-most persons were called for the trade test. It is further stated that the applicant was considered for the trade test in pursuance of the directions given in the order dated 7.6.93 in OA 706/86 and thereafter he was promoted to the post of Welder Grade-III by order dated 20.8.94 and his seniority thereafter was maintained from the said date. The allegations of discrimination are denied.

4. It is clear from the averments in the reply that the applicant was junior to Sh.Desh Raj and Sh. Ramesh Chand as the seniority of these two officials stood at Sl.Nos. 2 & 3 whereas the applicant stood at Sl.No.5 in the seniority list for the posts of Khallasi. The applicant cannot, therefore, have any valid grievance for promotion to the post of Welder Grade-III in preference

CBR

(3)

(D)

to them. It is also clear from the counter reply that the applicant was sent as Welder on adhoc basis to work in Jadganga project and after the completion of the work in that project, he was called back, hence, he cannot claim any benefit of his working as Welder Grade-III. The order of the Tribunal only directed the respondents to consider the case of the applicant as Welder subject to the trade test. Hence, the case of the applicant that he was entitled to be considered for trade test in preference to the others, cannot be borne out from this order. In accordance with his seniority, the applicant was considered and promoted on 20.8.94 and the seniority would be determined only from the date of his promotion.

5. In the facts and circumstances mentioned above, we do not find any merit in this OA. The OA is, therefore, dismissed in the circumstances. No order as to costs.

Shanta Shastry
(Shanta Shastry)
Member (A)

V.Rajagopala Reddy
(V.Rajagopala Reddy)
Vice Chairman (J)

/sunil/