

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 811 of 1996

New Delhi: this the 2nd day of November, 2000.

HON'BLE MR. S.R. ADIGE VICE CHAIRMAN (A)

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Vasiat Ali,
S/o Shri Ishtyak Ali,

2. Mohd. Bilal,

S/o Mohd. Iqbal,

working as Electric Foreman,
under Divl. Railway Manager,
Northern Railway,

New Delhi

....Applicant.

(By Advocate: Shri B.S. Mainee).

Versus

Union of India
through

1. The General Manager,
Northern Railway,

Baroda House,
New Delhi

2. The Divisional Railway Manager,

Northern Railway,
State Entry Road,
New Delhi

..... Respondents

(By Advocate: Shri P.M. Ahlawat)

ORDER

Mr. S.R. Adige, VC (A)

Applicants impugn their positions at serial nos. 17 and 18 of the seniority list dated 19.9.95 (Ann-A) and assert that their seniority be assigned on the basis of their merit position in the final examination held on 8.5.93 with consequential benefits.

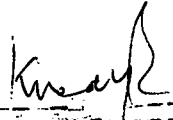
2. Admittedly as per relevant para 303 IREM Vol. I,

"Candidates who are sent for initial training to training school will rank in seniority obtained at the exam. held at the end of the training period before being posted against working post. Those who join the subsequent

course for any reason whatsoever (emphasis supplied) and those who pass the exam. in subsequent chance, will rank junior to those who had passed the exam. in earlier course."

3. Applicants in their rejoinder have not denied the specific assertions made by respondents in para 11 of their reply that applicant No.1 was issued call letter dated 30.5.91 and was placed in the second batch, for training and similarly applicant No.2 was also issued letter dated 30.5.91 for training in the second batch. Applicant in the corresponding para of his rejoinder has made certain allegations against the concerned dealing clerk for delaying issue of the letters deputing Applicant No.1 for training. The concerned dealing clerk has not been made a party in the OA to enable him to respond to the allegations. That apart para 303 IREM Vol.I which has statutory force clearly lays down that those who join subsequent courses for any reason whatsoever, will rank junior to those who have passed the exam. in earlier courses. As applicants did join the subsequent training course (Batch II), no illegality or infirmity can be detected in their positioning in the impugned seniority list dated 19.9.95.

4. The OA is dismissed. No costs.


(KULDIP SINGH)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A).

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