

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2146/94

New Delhi: this the 29th day of September, 1999.

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

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

Chhedi Lal,
s/o Shri Patola Ram,
working as Sr. Section Officer (FX).,
Northern Railway, Baroda House,
New Delhi.

R/o B-34, New Gobindpura,
Near Gandhi Park,
Gali No. 3,

P.O. Krishna Nagar, ... Applicant.
Delhi-051.

(By Advocate: Shri P.L. Mimroth).

Versus

1. Union of India
through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Financial Advisor & Chief Accounts Officer,
Northern Railway,
Baroda House,
New Delhi.

3. Shiv Mangal Prasad.

4. M.A. Siddiqui.

All are working as Sr.

5. Iftikar Ahmed.

S.O. (A/Cs) under

6. Gurdeep Singh,

Respondent No.2.

7. K.D. Sharma.

8. P.K. Duggal.

9. A.K. Srivastava.

10. Daljeet Singh.

11. Satish Chander Kumar.

12. Jasbir Singh.

13. Sh. Jeewan Kumar

..... Respondents.

(By Advocate: Shri R.L. Dhawan).

ORDER

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

Heard.

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2. Applicant was promoted as Section Officer (A/C) Grade Rs.1640-2900 under DAO Bikaner vide respondents' order dated 5.9.84 (Annexure-R2). Admittedly applicant did not join duty as SO under DAO Bikaner pursuant to that order dated 5.9.84, but represented for retention at Delhi on promotion. Respondents rejected the prayer and cancelled the promotion by their order dated 26.12.84 (Annexure-R3) in which it was made clear that this cancellation would adversely affect his seniority. Applicant now has challenged that order dated 26.12.84. Fresh orders were issued by respondents posting applicant as SO (A/C) under AC/TA Jodhpur on 21.6.85 (Annexure-R4) where he joined duty on 9.7.85, and respondents have accorded his seniority with effect from that date.

3. Applicant in ground 5(b) of the OA has quoted para 224(iii) IARM Vol. I (1989 Edition) but that para itself states that seniority will be as from the date of effect of promotion, and in the present case it is clear that the promotion in case of applicant was effected when he joined the promotional post on 9.7.85.

4. Hence on applicant's own showing, we see no infirmity in respondents' action in reckoning his seniority as SO (A/C) w.e.f. 9.7.85. The OA is dismissed. No costs.

Kuldeep
(KULDEEP SINGH)
MEMBER(J).

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

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