

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

Da No. 2455/94

New Delhi: this the 5th day of October, 1999.

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

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

Shri Gurjeet Singh,
S/o Shri Sadhu Singh,
Head Clerk,
Mech. Branch, DRM Office,
New Delhi.

2. Ved Pradaash Taneja,
S/o Lata Shri Khan Chand Taneja,
Head Clerk,
Northern Railway,
Diesel Shed,
Tughlakabad,
New Delhi.

3. Subhash Chander,
S/o Shri Satya Pasul Sindra,
Head Clerk,
Under Loco Foreman, Jind Jn.

4. Anil Kumar Chopra,
S/o Late Shri J. R. N. Chopra,
Head Clerk,
Under GFD, Diesel, Shakurbasti,
Delhi.

5. A. K. Nag,
S/o Shri K. Nag,
Head Clerk, Mech. Branch,
DRM Office,
New Delhi

..... applicants.

(By Advocate: Shri B. S. Mainee)

Versus

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. DRM, Northern Railway, State Entry Road,
New Delhi.

3. Shri Inderjeet Singh,
Asstt. Superintendent,
Under Dy. Chief Mech. Engineer (Diesel),
Northern Railway,
Shakur Basti,
Delhi.

4. Shri Sukh Dev Singh,

5. Shri Ram Pat,
working as Asstt. Superintendents,
Under Dy. Chief Mech. Engineer (Diesel),
Northern Railway, Tughlakabad,
New Delhi.

.... Respondents.

(By Advocate: Shri R. P. Agarwal)

ORDER

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

Applicants impugn respondents' orders dated 17.5.94 (annexure-A1) and dated 27.10.94 (annexure-A2) and seek restoration of his seniority in terms of letter dated 8.4.94 (Annexure-A10) of Respondent No2 above that of Respondents 3, 4 and 5.

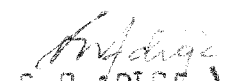
2. Heard both sides.

3. Applicants admit that they were appointed as LDCs on regular basis in 1974-75. Respondents, with reference to the seniority list dated 5.8.76 of Clerks Grade (B.260-400) annexed at annexure-I with their reply, have stated that while applicants (Sl.Nos.321, 322, 328, 329 and 331) were appointed/confirmed as Clerks in 1975, respondents no.3, 4 and 5 (Sl.Nos. 285, 286 and 287) were appointed/confirmed as such in 1972-73 and this position is also confirmed by the pay fixation order dated 24.8.73(annexure-II to reply). The seniority list dated 5.8.76 was ordered to be circulated widely, and if applicants had any grievance regarding their placement vis-a-vis respondents 3, 4 and 5 in that seniority list, they should have challenged the same at that time, as objections were invited to the same. Applicants cannot at this stage be permitted to take the plea, as they have tried to do in their rejoinder, that they were not aware of the contents of that seniority list issued as far back as 1976. They have also not succeeded in satisfactorily establishing their contention that the appointment of respondents 3, 4 and 5 as LDCs in 1973 was only adhoc and not regular. Indeed from the divisional seniority list of Sr.Clerk Mechanical Branch

Grade Rs.330-560 annexed by applicants themselves at annexure-A4, Respondents 3, 4 and 5 are shown at Sl.Nos.208, 209 and 210 and their date of appointment /confirmation is shown as 1972/73 while applicants are shown at Sl.Nos.241, 241,244,245 and 246, and their date of appointment is shown as 2.8.75.

4. In the result, we see no infirmity in the impugned orders which calls for our judicial intervention. The OA is dismissed. No costs.


(KULDEEP SINGH)
MEMBER(J).


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

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