

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No.369/2000

New Delhi this the 21st day of August, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Shri Govind Singh  
S/o Shri Prem Singh  
Working as Chief Typist (Ad hoc)  
Under Chief Administrative Officer (Const.)  
Northern Railway, Kashmere Gate,  
Delhi-110006

..Applicant

(By Advocate: Shri K.K. Patel)

Versus.

Union of India through:

1. General Manager  
Northern Railway,  
Headquarters Office, Baroda House,  
New Delhi-110001
2. Chief Administrative Officer (Const.)  
Northern Railway, Kashmere Gate  
Delhi-110006
3. Assistant Personnel Officer,  
Headquarter Office Baroda House,  
Northern Railway, New Delhi.
4. Senior Engineer (Const.)  
Northern Railway, DRM's Office  
Moradabad.

...Respondents

(By Advocate: Shri B.S. Jain)

ORDER (Oral)

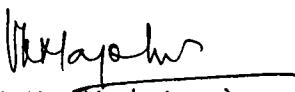
By Justice Ashok Agarwal, Chairman

In terms of an order passed on 28.4.97 in OA 1940/95 applicant was given regular appointment as Typist by an order passed on 27.8.97 at Annexure A-1. As far as promotion to the post of Chief Typist is concerned, the same is a selection post. Promotion to the said post of Chief Typist is not on the basis of seniority and viva-voce. Applicant could not be placed on the panel of Chief Typist in the grade of Rs. 1600-2660 (RPS) drawing on 30.7.96 because he

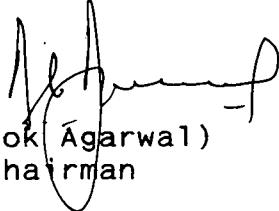
*V.K. Majotra*

could not pass the selection of Chief Typist. His juniors who had passed were promoted. Applicant has thereafter been promoted as Chief Typist on ad hoc basis and is accordingly shown junior to those who have passed before him. Since the post of Chief Typist is a selection post, applicant cannot claim seniority over those who have been selected prior to him in terms of Rule-306 of the IREM Vol-1. Moreover, applicant has not impleaded those who <sup>would have been</sup> ~~had~~ adversely affected, ~~if~~ the prayer contained in the present OA is granted. The present OA, therefore, suffers from the vice of non-joinder of the necessary parties also. Present OA we further find also is barred by law of limitation. We do not find that a just and sufficient cause is made out for condoning delay as prayed in MA-462/2000.

2. Present OA as also the aforesaid MA in the circumstances are dismissed. <sup>with</sup> ~~However~~ no order as to costs.

  
(V.K. Majotra)

Member (A)

  
(Ashok Agarwal)

Chairman

cc.