

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 805/89

New Delhi this the 22nd day of March, 1994

CCRAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Narendra Singh S/O Balwant Singh,
Commercial Inspector,
Northern Railway,
Tundla.

... Applicant

None for the Applicant

Versus

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

2. The Chief Commercial
Superintendent,
Northern Railway,
Baroda House, New Delhi.

... Respondent

None for the Respondents

O R D E R (C.R.A.L)

Hon'ble Mr. Justice V. S. Malimath -

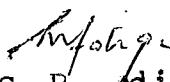
None appeared for the petitioner or for the respondents. As it is an old matter, we thought it proper to dispose of the same on merits by looking into the records. The petitioner has brought a grievance before the Tribunal in regard to the rankings assigned in the seniority list. He has produced the seniority list dated 11.10.1988 wherein his rank has been assigned at Sl. No. 204. The respondents have taken the stand in their reply that the petitioner is junior to Shri S. S. Bhatia and that, therefore, he has been placed below him in the seniority list. The seniority list shows that Shri Bhatia came in the scale of Rs.425-640 on 29.6.1972 while the petitioner came on the same scale

on 1.7.1976. If these facts are correct, the petitioner is junior to Shri Bhatia. In the next scale of Rs.550-750 the seniority list shows that both of them were promoted to the same on 14.12.1992. Their initial seniority has been maintained in the scale of Rs.550-750. In the further scale of Rs.2000-3200 both of them have been shown as having come on 1.1.1984. There also their initial seniority has been maintained. If the initial seniority in the scale of Rs.425-640 is rightly shown in the seniority list, the rankings cannot seriously be challenged. In the reply filed by the respondents the assertion of the petitioner that he had never worked in the scale of Rs.425-640 is stoutly refuted. It is stated that only those in the scale of Rs.425-640 are eligible for promotion to the grade Rs.455-700. The petitioner has himself stated in his application that he was selected as CMI(G) in the grade of Rs.455-700 vide office order dated 23.9.1976. This itself shows that he was promoted from a lower scale, obviously in the grade of Rs.425-640. The same relative seniority is maintained in the higher grades. This would *prima facie* be right. However, a contention has been raised that the petitioner was promoted in the grade of Rs.550-750 on ad hoc basis on 10.3.1981 and that, therefore, that is the date which should have been taken into account for determining his seniority. It is contended that as the ad hoc appointment of the petitioner was followed by regular promotion, he is entitled to count his seniority from the date of ad hoc appointment. Regular promotion in the said scale was accorded to the petitioner on 14.12.1982. As his

promotion was not made on regular basis in accordance with rules and as the promotion was only an ad hoc one, he cannot count seniority from that date. Hence, there is no good ground to interfere in this case.

2. This application fails and is dismissed. No costs.




(S. R. Adige)
Member (A)

(V. S. Malimath)
Chairman

/as/