

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH N/DELHI

O.A.No .1280/1988

New Delhi this the 9th Day of November, 1993

The Hon'ble Mr.N.V.Krishnan, V.C(A)

The Hon'ble Mr.B.S. Hegde, Member(J)

Raghubar  
Working as Loco Cleaner at  
Northern Railway Rewari,  
Distt. Mohindergarh.

... Applicant

(By Advocate Sh.V.P.Sharma)

Versus

1. Union of India through the  
General Manager, Northern Railway,  
Baroda House, New Delhi
2. The Divisional Railway Manager,  
Northern Railway, Bikaner
3. The Loco Foreman,  
Northern Railway, Rewari

... Respondents

(By Advocate Sh.P.S.Mehendru )

O R D E R (ORAL)

(Hon'ble Sh. N.V.Krishnan, Vice Chairman(A))

The applicant was engaged as casual labour in the Allahabad Division on 24.6.73 and he was granted temporary status w.e.f. June, 1974. He worked in the Allahabad Division as casual labour upto 1977. He was thereafter screened and posted as Gangman under I.O.W. Allahabad w.e.f. 25-10-1977.

2. While so, he was transferred to Bikaner

Division as Gangman where he worked till March, 1979.

Thereafter, the applicant's category was changed from the

post of Gangman to Loco Cleaner in pursuance of Annexure A-12 letter dated 20.3.79 of the Assistant Personal Officer, Bikaner and he was posted in the office of the Loco Foreman, Northern Railway, Rewari w.e.f. 24.3.79. The applicant's contention is that his services sheet had not been completed and hence he has not been assigned any seniority in the panel of Loco Cleaners in the Bikaner Division.

3. The applicant has, therefore, prayed for the following reliefs:-

- a) That the applicant joined the Railway department in the year 1973 on 24.6.73 in Allahabad Divn. and worked there upto 1977. The applicant was given CPS scale in the year 1974 after this the applicant was further transferred to I.O.W. Allahabad in Bikaner Division on 25.10.77 and since then the applicant has been working in Bikaner Division continuously and without any break in service. The applicant changed his category from gangman to cleaner w.e.f. 20.3.79 (Annexure A-12) and hence as per Railway Board Policy dated 8-6-81 the applicant is entitled seniority and
- b) That it is the duty of the respondents to keep the service records of the applicant upto dates any by not during so the applicant cannot be harmed. The applicant made burden of appeal/representation/reminder for the completion of service sheet but no effect.
- c) That the applicant name has been ignored in the seniority list for the reasons best known to the respondent and hence the applicant is entitled for inclusion his name in the seniority list of Loco Cleaner."

4. Respondents have filed a reply. It is stated that applicant was transferred from the Gangman to Loco Cleaner on his own request on bottom seniority as per notice of the then A.P.O. II. It appears that his name was not included, inadvertantly, in the seniority list of Loco cleaner issued on 22.7.82. His name since been included

12 ✓  
in the seniority list of Loco Cleaner issued on 12.9.89 (Annexure R-2) and his name finds place at serial No. 518.

5. Respondents have not given any substantial reply about allegation made in the O.A. that service sheet has not been prepared.

6. We have heard the learned counsel for both the parties and perused the records. Learned counsel for the applicant admits that his name is included in the seniority list of Loco Cleaner issued by the respondents vide annexure A-R-2. The applicant does not have any grievance in this regard.

7. Learned counsel for the applicant contends that it is necessary that service particulars of the applicant as a casual labour having temporary status should be fully mentioned in the service record because it would be relevant at the time of sanctioning pension.

8. Learned counsel for the respondents states that the seniority list in so far as the applicant is concerned must have been prepared only on the basis of service sheet. He also draws our attention to the Annexure R-1 dated 20-3-79 which gives the service particulars of the applicant. It is, however, not clear


Uz

13


whether these are mentioned in the service book.

9. In the circumstances, we are of the view that this O.A. can be disposed of finally granting permission to the applicant, if he so desires to examine the service book in the office of Divisional Railway Manager (Office of the Independent) Bikaner. In case he presents himself before the Independent, the latter is directed to show <sup>✓</sup> service record to the applicant for his satisfaction. It is open to him to resort to legal remedies if he has a grievance.

10. Accordingly OA is disposed of with the above direction.

  
(B.S. Hegde)

Member(J)

  
9.11.83  
(N.V. Krishnan)

Vice Chairman(A)

sk