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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 596
T.A. No.

198 8.

DATE OF DECISION April 12, 1988.

Shri Heera Lal

Petitioner

Shri G.D. Bhandari,

Advocate for the Petitioner(s)

Versus

Union of India & Ors

Respondent s.


Advocate for the Respondent(s)

CORAM :


The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether to be circulated to other Benches. *No*


(Kaushal Kumar)
Member

12.4.1988.


(K. Madhava Reddy)
Chairman

12.4.1988.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. 596/1988.

April 12, 1988.

Shri Heera Lal

...

Applicant.

Vs.

Union of India & Others ...

Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ...

Shri G.D. Bhandari, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman).

This is an application under Section 19 of the Administrative Tribunals Act, 1985 to quash the seniority list of HTTEs, HTC's & TNCRs Grade Rs. 425-640 of Bikaner Division for promotion as CIT Grade Rs. 550-750. In that seniority list, the applicant is shown at Sl. No. 60 while Shri Dhan Singh, respondent No. 3 is shown at Sl. No. 59. Even as admitted by the applicant, Shri Dhan Singh, HTC was promoted to the grade of Rs. 330-560^a on/regular basis on 14.5.1961 while the applicant was promoted to that grade with effect from 30.7.1969 i.e. more than 8 years after the third respondent. Both the applicant and respondent No. 3 were included in the panel for appointment to the post in the scale of Rs. 425-640(RS) on 3.2.1983. The applicant's grievance is that in the Provisional Seniority List (Annexure A-13) issued on 17.3.1986, he was shown at Sl. No. 58 while

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respondent No.3 was placed immediately below him at Sl.No.59. According to him, that was the correct position having regard to the policy decision of the Northern Railway's Circular letter dated 7.9.1963 (Annexure A-5) which states:

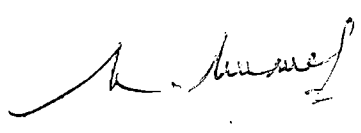
"with regard to the manner of combining seniority of TCs and TTEs in respect of promotion against post 12.7.62 vacancies it has been decided that seniority should be based on original seniority of the staff in the category of TCR grade Rs.60-130(PS)/110-180(AS). This has been decided upon as all staff were originally appointed as TC grade Rs.60-130(PS)/110-180(AS) and thereafter were promoted as TTE in grade of Rs.80-160 (PS)/130-212(AS) or TCR grade Rs.100-185 (PS), 150-240, depending on their options".

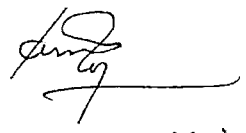
It is the case of the applicant that originally the both/applicant and respondent No.3 were in/grade of Rs.110-180 and although the respondent No.3 earned promotion to the next higher grade of Rs.150-240 on 14.5.1961 and the applicant the // was promoted to/grade of Rs.130-212 on 30.7.1969, the applicant was appointed in the grade of Rs.110-180 on 27.4.1957 while the respondent No.3 was appointed on 16.6.1957. Therefore, having regard to his overall longer period of service he should be reckoned as senior to the 3rd respondent.

We are unable to agree with the contention that in determining the seniority of persons in the grade of Rs.330-560 or in the next higher grade, the date of

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initial appointment in the grade of Rs.110-180 should be the basis, merely because at one stage a combined seniority of HTTEs/HTCs/TNCRs was drawn up or all persons in these several groups were considered for promotion to the next higher grade. It is now well settled by the decisions of the Supreme Court that seniority in a grade must be determined on the basis of length of service. In the grade of Rs.330-560, respondent No.3 ~~xxx~~ entered 8 years earlier than the applicant. Merely because his total service including the service in the lower grade is shorter, his seniority in the grade of Rs.330-560 cannot be altered. In the grade of Rs.330-560, the respondent No.3 cannot be placed as junior to the applicant who ~~xxx~~ entered that grade 8 years later. Since both of them have been promoted to the grade of Rs.425-640 on 3.2.1983, respondent No.3 was rightly shown as senior in the impugned list. The applicant cannot have any legitimate grievance for being shown as junior to Shri Dhan Singh. We do not find any merit in this application. It is accordingly dismissed.


(Kaushal Kumar)
Member
12.4.1988.


(K. Madhava Reddy)
Chairman
12.4.1988.