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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI

O.A.NO. 147/86
T.A.No. 213/86

198

DATE OF DECISION 14.11.1986

Mahesh Chander Kamboj

Ashok Kapoor

Petitioner

Shri B.S. Arora

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Shri K.N.R. Pillay

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. S.P. MUKERJI, ADMINISTRATIVE MEMBER

The Hon'ble Mr. M.B. MUJUMDAR, JUDICIAL MEMBER

JUDGMENT

S.P. Mukerji, A.M.:— By this order, we dispose of both O.A. No. 147/86 and OA No. 213/86 where the issues raised and the relief sought are more or less identical.

2. In both the aforesaid two cases, the applicants Shri Mahesh Chander Kamboj and Shri Ashok Kapur, who are at present working in the scale of Rs. 425-700 as Head Clerks in the Northern Railway T.T. Organisation, on an ad hoc basis, have claimed seniority above the common respondent, Shri Jitender Kumar, who has been shown senior to them in the alleged provisional seniority list published in December, 1985 and placed as Annexure 'C' to the application of Shri Mahesh Chander Kamboj. They have also claimed that on the basis of the higher post held by them consistently in the past as compared to that of ~~held by~~ Shri Jitender Kumar and on the basis of the higher seniority, they should be given higher pay-scales with effect from 1.1.1979 in the

case of Shri Ashok Kapur and 1.1.1984 in the case of Shri Mahesh Chander Kamboj.

2. We have heard the arguments of the learned Counsel for both the parties and gone through the documents carefully.

3. Learned Counsel for the respondents, i.e. the Railway authorities, Shri Pillay, has challenged the averment that annexure 'C' to the petition of Shri Mahesh Chander Kamboj is a provisional seniority list. According to him, it is only a statement of particulars on the basis of which a provisional seniority list will be prepared after considering the representations against the said annexure 'C', whereafter the seniority list will be finalised after giving an opportunity to all concerned to represent against the provisional seniority list also. It is because of the non-determination of inter se seniority amongst the two applicants and the common respondent and others that the appointments to the grades of Store Clerks, Senior Clerks and Head Clerks have been made on an ad hoc basis, both of the two applicants and respondent No. 4 also.

4. We feel that both the aforesaid two Applications claiming the seniority as well as higher pay-scales are quite premature and cannot be adjudicated upon by us at this stage. The inter-se seniority of the officials in the Ministerial cadre is yet to be finalised and only thereafter, the question of further promotion and the dates from which the promotions will take place, can be determined. Even in cases where appointments have to be made on the basis of selection, seniority will play an important role. Therefore, it will be premature and unfair to those who are not before us to determine the question of promotion to the higher grade even to selection posts on the basis of the material before us.

5. Accordingly, we dismiss both the Applications as premature with

the direction that the respondents, i.e. the Railway authorities, should circulate the provisional seniority list within six weeks and invite objections thereon and finalise the seniority list within two months thereafter. After this drill, they may consider the question of adjusting the various officials in the cadre to the various posts from certain dates in accordance with the rules. The applicants before us will be at liberty to move this forum, if so advised, if they feel aggrieved by the final orders passed by the respondents in this matter.

There will be no order as to costs.


(M.B. Mujumdar)
Judicial Member
14.11.1986.


(S.P. Mukerji)
Administrative Member
14.11.1986.