

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 29TH DAY OF AUGUST, 2001

Original Application No.220 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

G.P.Chaturvedi, aged about 47 years
Son of Shri Ram Sewak Chaturvedu working
as Goods Guard under Divisional Railway
Manager, Central Railway, Jhansi,
Resident of 454 Sita Ram Compound
Sipri Bazar, Jhansi.

... Applicant

(By Adv: Shri R.G.Soni)

Versus

1. Union of India through General
Manager, Central Railway,
Bombay V.T.
2. Divisional Railway manager,
central Railway, Jhansi
3. Shri K.L.Yadav, goods Guard
C/o Divisional Railway manager
Central Railway, Jhansi
4. Shri R.P.Katare, Goods Guard
C/o divisional Railway manager
Central Railway Jhansi.

... Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has
prayed for quashing the order dated 26/28.1.1996(Annexure
2) by which it has been said that applicant's seniority
has been rightly computed as Goods Guard from 14.8.1987 on
which date he joined. The grievance of the applicant is
that though he passed the Guard 'C' course no.223 and Shri
R.P.Katare respondent no.4 passed the same course no.225
he was given posting earlier than the applicant without
any fault on the part of the applicant. It is submitted

:: 2 ::

that on account of this the applicant could not be considered for promotion as Passenger Guard earlier and thus has suffered continuously. For this purpose reference has been made to letters dated 18.7.1991(Annexure A8) and letter dated 11.5.1994(Annexure A-14).

It is not disputed that the applicant has also been promoted now as Passenger Guard and the dispute only remains with regard to seniority as Passenger Guard, ~~and then onward promotion~~ between the applicant and respondent no.4, *and then onward promotion to the applicant.*

Shri G.P.Agrawal, learned counsel for the respondents on the other hand, submitted that respondents no. 3 & 4 had joined as Goods Guard on 11.9.1985 and thus they had become senior and rightly considered for Passenger Guard prior to applicant who joined on 14.7.1987. however, this fact is not disputed that applicant had passed the Goods Guard course earlier than respondents no. 3 & 4 and as per Rule he was entitled for appointment before it could be given to respondent no. 3 & 4. It is not the case of respondents that applicant was offered appointment and he refused. If the appointment had ^{not} been given to the applicant, ignoring his seniority and the fact of ^{which} earlier passing the course of Goods Guard, he cannot be allowed to ^{to} suffer, if it was on account of any mistake on the part of Railway administration. From perusal of the letters dated 18.7.1991 and 11.5.1994 it appears that there was some mistake at some level on account of which applicant was not given chance to serve as Goods Guard at the appropriate time for which he was entitled. This requires rectification. In para 14 of the counter reply the respondents have stated as under:-

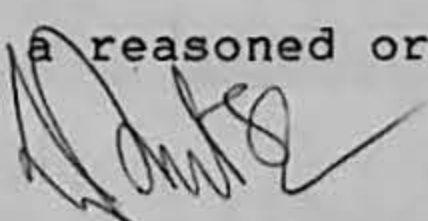
" That the contents of paras 4.18 to 4.21


:: 3 ::

of the application are denied and in reply it is submitted that on receipt of representation against provisional seniority list issued on 11.11.91 and 6.6.94 as and when corrections were issued time to time and last corrigendum was issued on 14.11.94 However, it may also be corrected if any aggrieved employee represents against the same and on examination of records, if required, correction may be made accordingly."

From the aforesaid averments made in the counter reply the respondents have thus invited representation from the applicant if he is aggrieved from the seniority list showing respondents 3 and 4 senior to the applicant, merely on the basis of ^{There is} earlier joining, though they had passed the course subsequent to the applicant. The late joining of the applicant requires to be investigated.

For the reasons stated above this OA is disposed of finally with the liberty to the applicant to make representation before respondent no.2 giving all facts and documents which shall be considered and decided after hearing respondents 3 and 4 in accordance with law within three months by a reasoned order. No order as to costs.


MEMBER(A)


VICE CHAIRMAN


Dated: 29.8.2001

Uv/

O/R

MANO 1243/02 in
CA 220/96 has been
filed by S. H. P. General
Counsel for respondents.

Submitted for
order on 20/3/02.


15/3/02

MA 1243/02
IN
O.A 220/96

Dt. 20.03.2002


Hon'ble Mr. Justice R.R.K. Trivedi, V.C.


Hon'ble Maj. Gen. K.K. Srivastava , A.M.

Sri S.D. Kapoor for the respondents applicant.

This application No. 1243/02 has been filed seeking
extention of time granted vide order dt. 29.08.2001
passed in OA 220/96 to decide the representation.

Considering the facts and circumstances, three months
further time is granted with condition that no further
time shall be allowed, MA No. 1243/02 is disposed of.


Member- A.


Vice-Chairman.

/Anand/