

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 4th February, 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MAJ. GEN. K. K. SRIVASTAVA, A.M.

O.A. No. 550 of 1996

Jaswant Singh S/O Dilip Singh R/O Taranpur, Mughal Sarai,
District Varanasi.....
..... Applicant.

Counsel for applicant : Sri S.K. Mishra.

Versus

1. Union of India through the General Manager, Eastern Railway,
Calcutta-1.
2. The Senior D.R.O., E. Rly., Mughal Sarai, Varanasi.
3. Ram Dhani, T.No.455, FitterTRS, N. Rly., Mughal Sarai,
Varanasi,.....
..... Respondents.

Counsel for respondents : Sri A. Sthalekar.

ORDER (ORAL)

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

This O.A. was filed on 8.5.1996. However, it could be admitted for hearing on 20.4.1998 when Respondents were granted 4 weeks time to file Counter. However, no counter was filed. Then on 2.9.1998 again six week time was granted. On 10.11.1998 again four weeks time was allowed. Finally, on 22.11.02, four weeks time was granted for filing counter. However, counter has not been filed. In the circumstances, we have no option but to proceed to decide the case on material available on record.

2. By this O.A. Under Section 19 of A.T. Act, 1985, the applicant has prayed for a direction to respondents to assign him seniority as assigned in order dated 25.2.1987 and in view of the Railway Board's letter dated 5.1.1987 and he should be shown senior to Ramdhani, Respondent No.3.
3. It appears that the applicant joined Railway as Khalasi on 31.12.1965. He was promoted as Fitter on 25.10.1975 at Tata Nagar, South-Eastern Railway. However, the applicant, on his own request, was transferred to Mughal Sarai accepting

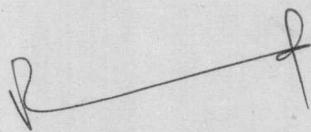
bottom seniority on 31.12.1979. At Mughal Sarai, the applicant joined as Fitter Gr.III and his seniority was assigned below ~~all~~ "all existing regular Fitters in the scale of Rs.260-400.

The Railway, by order dated 1.12.1982 promoted ~~all~~ semi skilled employees to the grade of skilled in pay scale of Rs.260-400 w.e.f. 1.8.1978. In view of this order, all those, who were junior to applicant suddenly became senior as they were given skilled grade from 1.8.1978 whereas the applicant was given bottom seniority as he joined on 31.12.1979. The applicant agitated this matter by making various representations. The order was passed on 25.2.1987 (Annexure-2) by which the seniority of the applicant shown at Sl.No.158 was altered and he was shown at Sl.No.24A above Sirowan Ram, Fitter shown at Sl.No.24 and above Sl.No.25. However, the dispute persisted though order was passed in favour of the applicant, it was not given effect. The applicant further made representations. Ultimately, ~~an order~~ ^{a letter} dated 8.3.1995 was ~~passed~~ ^{written} ^{in secret opinion} (Annexure-4). The letter was addressed to the Chief Personnel Officer, Eastern Railway, Calcutta. It concluded as under :-

"In light of the facts and circumstances as stated above, it is, therefore, requested kindly to examine the above issue and clarify the following points so that necessary action can be taken to sort out this issue.

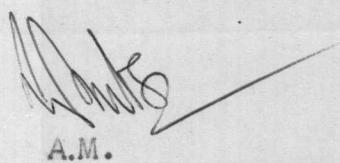
Whether the staff who were working as skilled in the scale of Rs.260-400/950-1500 prior to implementation of RWCT award i.e. on or before 1.8.78 will rank senior to those semi skilled who got their promotion as skilled category under RWCT award on or after 1.8.78 or otherwise."

4. Thus, it appears that the whole matter was referred to the Chief Personnel Officer but as the counter affidavit has not been filed, we are not in a position to know that what decision was ultimately taken in respect of the seniority of the applicant.

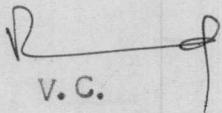


5. Considering the facts and circumstances, narrated above, we dispose of this O.A. with the direction to Respondent No.2 Sr. D.P.O. Eastern Railway, Mughal Sarai to find out the opinion given by the Chief Personnel Officer on the basis of letter dated 8.3.1995 and pass orders accordingly in respect of the applicant. This order shall be implemented within four months of filing of the order before the competent authority.

No order as to costs.



A.M.



V.C.

Asthana/