

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF JUNE, 2002

Original Application No.73 of 1996

CORAM:

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

HON.MR.C.S.CHADHA, MEMBER (A)

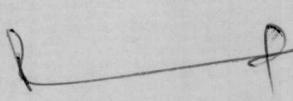
Arjun, son of Khelari Chowkidar
under P.W.I, Northern Railway
Meja, Allahabad division.

... Applicant

(By Adv: Shri A.P.Srivastava)

Versus

11. Union of India, through the General Manager, Northern Railway, new Delhi.
2. Divisional railway manager, Northern Railway, Allahabad.
3. Divisional Superintending Engineer(I), Northern railway Allahabad.
4. Divisional Personnel Officer, Northern Railway Allahabad.
5. Assistant Engineer, Northern Railway Mirzapur.
6. Permanent Way Inspector, Meja Road, Northern Railway, Allahabad.
7. Hub Lal, son of Bhaggo Chowkidar(P-Way side)
8. Ram Awadh, son of Mata Badal
9. Parthoo, son of Ram Kripal
10. Chhotku son of Pale Khan
11. Munnu lal, son of Murli
12. Dhangoo, son of Purushottam
13. Baholi son of Musai
14. Ram Dhani, S/o Jag Narain

 ... Respondents

(By Adv: Shri A.K.Pandey)

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 a direction to the respondents to correct the seniority list by mentioning the date of panel against the name of the applicant in the seniority list of Chowkidar as 12.2.1965. It has also been prayed that the respondents may be directed to place the name of applicant at the top of the seniority list. It has also been prayed that the applicant may be granted promotion in the cadre by way of restructuring w.e.f. 1.3.1993. It may be mentioned here that the applicant died on 30.5.2000 during the pendency of this OA. The name of his son has been substituted.

The facts in short giving rise to this application are that applicant was engaged as Gangman Engineering under the panel dated 12.2.1965. He was working under Asstt. Engineer Mirzapur section. He was regularised on 22.12.1965. ^{In this panel} The name of the applicant was mentioned at sl.no.131. Subsequently applicant was medically decategorised and he was given alternative category of Chowkidar and posted under the same Asstt. Engineer, Mirzapur section in the year 1979. By order dated 28.7.1993 the chowkidars were given promotion by upgrading their scale from Rs 800-1150 to Rs 825-1200. however, the applicant was not given this benefit. The benefit was under some restructuring of the cadre. When the applicant learnt about it he filed representation dated 1.7.1995, a copy of which has been filed as sl.18.



Counter affidavit has been filed resisting the claim of the applicant. It has been alleged in the counter that the applicant was junior most and he was not entitled for the benefit.

Shri A.P.Srivastava learned counsel for the applicant has placed before us the order dated 28.7.1993 impugned in this OA. A seniority list of chowkidars(P.Way side) has been annexed as (Annexure 2). In this seniority list name of the applicant has been shown at sl.no.9. Against the column of date of panel it has been left blank so far applicant is concerned. The learned counsel for the applicant has placed before us the panel dated 4/5.8.1965(Annexure 4) in which name of the applicant is shown at sl.no.131, whereas the name of Hub Lal (who is shown in the impugned seniority list at sl.no.1) has been shown at sl.no.184. Thus, it is clear that both Hub Lal and applicant Khelari were selected for appointment and panel was same i.e. 22.12.1965. But the aforesaid date has not been shown against the name of the applicant and he has been put at the bottom of the seniority list. From the documents this position is very well established and the submission of the respondents that the applicant was junior most is incorrect ^{and} against the material on record.

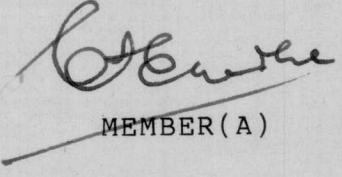
Shri S.K.Pandey has placed before us a modification in the order dated 28.7.1993, on 11.2.1998. The submission of Shri Pandey is that the grade of Rs 825-1200 was not granted to anybody. Hub Lal respondent no.7 was granted scale of Rs 825-1200 by order dated 28.7.1993. It is submitted that by modification this scale was brought down to Rs 775-1025. Shri A.P.Srivastava has submitted that the applicant is entitled to the same scale which was granted to Hub Lal

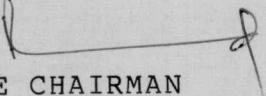
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respondent no.7.

As we have already found that the applicant was senior to Hub Lal the submission of counsel for the applicant has force and applicant ~~shall~~ ^{should have a} been granted same benefit which was granted to Hub Lal. The father of the applicant late Khelari will be entitled for the same benefit and from the same date. As the applicant was alive upto 30.5.2000, all the benefits shall be calculated till the date of his death, including ^{for} which he may be entitled under Vth Pay Commission Recommendation, ^{and} shall be paid to his son within a period of four months from the date a copy of this order is filed.

The OA is accordingly disposed of. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 3rd June, 2002

Uv/