

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 06th day of JUNE 2003.

Original Application no. 1277 of 1997.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. D.R. Tewari, Administrative Member.

1. Swami Nath Mishra, UDC (OTP) MES 474692 serving under AF Bamrauli, Allahabad.
2. Dharm Deo Singh Yadav, LDC MES 158290 Serving under Chief Engineer (A/F) Allahabad.
3. GD Mishra, LDC MES 6425388 Serving under GE (East) Allahabad.
4. HN Yadav (Ex CSM) MES 14312244, serving under CE (A/F), Allahabad.

...Applicants

By Adv : Sri Ganga Prasad

Versus

1. The Union of India through Secretary, Ministry of Defence, Govt. of India, R.K. Puram, New Delhi.
2. Engineer-in-Chief's Branch A H Q Kashmir House, D H Q P.O. New Delhi.
3. Chief Engineer Central Command, Lucknow.
4. Chief Engineer H Q Central Command, Lucknow Zone, Lucknow.
5. Chief Engineer (A/F) Allahabad.

... Respondents

By Adv : Sri A. Sthalekar



....2/-

2.


ORDER

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicants have challenged order dated 29.8.1996, by which the seniority of the applicants ~~have~~^{has} been amended. They have further prayed for direction to the respondents to take their past ~~their~~^{services} into account, for determining their seniority.

2. The facts of the case are that the applicants were initially appointed as Civilian School Master on different dates. The applicants were declared surplus, but they were ~~subsequently~~^{subsequently} ~~successfully~~ adjusted in Military Engineering Services (in short MES) and were appointed as Lower Division Clerks. The applicants are claiming seniority from the date they were appointed as Civilian School Master. The legal position in this regard has been settled by the Hon'ble Supreme Court in case of V.K. Dubey and others Vs. U.O.I. & Ors, (1997) 5 SCC 81, in which the Hon'ble Supreme Court has held as under :-

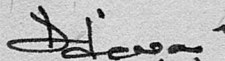
".....We find no force in the contention. It is seen that the diesel engine drivers and the staff working with them operate in one sector, namely, diesel locomotive sector, while electrical engine drivers and the staff operating on the electrical engines operate on a different sector. Consequent upon the gradual displacement of diesel engines, instead of retrenching them from service they were sought to be absorbed by giving necessary training in the trains operating on electrical energy. As a consequence, they were shifted to a new cadre. Under these circumstances, they cannot have a lien on the posts on electrical side nor can they be entitled to seniority over the staff regularly working in the electrical locomotives department. Under those circumstances, this Court has held that they cannot have a seniority over them."




....3/-

3.

3. In the circumstances, the applicants are not entitled for seniority as claimed by them. The OA has no merit and is accordingly dismissed, with no order as to costs.


Member (A)


Vice-Chairman

/pc/