

CENTRAL ADMINISTRATIVE TRIBUNALALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 13th day of July, 2000.

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

Hon'ble Mr. S. Dayal, Member (A)

ORIGINAL APPLICATION NO. 523 of 1997

Hari mani Shyam S/o Mani Ram
working as master craftman
Electrical Department ERTR
Shop, workshop Central Railway
Jhansi R/o Railway Q.No. R.B.II
654.D. Rani Laxmi Nagar Railway
Colony Jhansi

.....Applicant

C/A Shri A.K. Dave, Adv.

Shri A.D. Prakash, Adv.

Versus

1. Union of India through General Manager
Central Railway C.S.T. Mumbai.
2. Chief workshop Manager, Central
Railway Jhansi.
3. Senior Electrical Engineer Work shop
Central Railway, Jhansi.

.....Respondents.

C/R Shri G.P. Agrawal, Adv.



O R D E R

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

Heard Shri A.K. Dave for the applicant and Shri G.P. Agrawal for the respondents.

2. This petition has been filed questioning the legality of the order dated 10.04.1997 Annexure-1 to the application by which applicant has been reverted from the post of Master Craftman to the post of Fitter Grade.

3. The facts in short giving rise to this application are that petitioner joined the railway as Khalasi in the year 12.03.1978. He was promoted to the Fitter Grade on 23.01.1986 from Khalasi. Applicant was promoted to ^{the} ~~the~~ Master Craftman on 28.10.1995. It appears that three persons Ram Bachan Ojha, Hamid Ali and Kanhaiya Lal challenged the promotion of applicant, Hari Mani Shyam by filing O.A. No. 591/95 in this Tribunal. The original application ~~which~~ ^{of} was disposed of by order dated 30.01.1997, the operative part of the order reads as under:-

"In view of the foregoing, we do not think we are called upon to indicate who should be senior and who should be junior. It would be sufficient to observe that the principles of determination of seniority in all such cases already stand settled by the Hon'ble Supreme Court and the seniority of the applicants qua respondent No. 6 and 7 be determined in accordance with such principles. In case the promotion of respondent No. 6, has been effected, in violation of the said principles, such promotion has to be cancelled and the respondent No. 6 has to be

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reverted. We, however, leave this matter to the respondents to work out and to take appropriate action. The application is disposed of with the above direction leaving the parties to bear their own costs."

4. In pursuance of the aforesaid order by the impugned order dated 10.04.1997 applicant has been reverted to the post of Fitter Grade. In the impugned order reversion has been made ^{under} to the Railway Board's direction dated 28.02.1997 which is Annexure A-5 to the application. Learned counsel has submitted that the Railway Board's direction and seniority will have effected 10.02.1995 and will not disturb the earlier position. The learned counsel has submitted that the seniority of the applicant could not be disturbed in view of the aforesaid provision provided in the Railway Board's direction. However, Shri G.P. Agrawal learned counsel for the respondents on the other hand submitted that the Tribunal's order has become final between parties as present applicant Hari Mani Shyam was also party in O.A. No. 591/95. The Railway Board's direction could be very well operative ~~in the~~ so far promotion of applicant to the post of Master Craftman is concerned as he was promoted on 28.10.1995. However, his position with regard to promotion prior to the date could not be disturbed. The impugned order does not suffer from any illegality. It has also been pointed out that in this application Ram Bachan, Hamid Ali and Kanhaiya Lal have not been impleaded as parties and this application is liable to be rejected as necessary parties are not before the Tribunal and applicant is not entitled for any relief.


5. We have consider the submission of the learned

counsel for the parties.

6. The learned counsel for the applicant has not been able to show any material on record that determination of seniority by the railways suffers from any illegality or it violates any direction of the Board, ~~and~~ ^{the} order of the Tribunal dated 30.01.1997 has become final between the parties. In the counter affidavit respondents have come with the definite stand that Ram Bachan, Hamid Ali and Shri Kanhaiya Lal were senior to the applicant. Hari Mani Shyam, ^{who} ~~who~~ was promoted only on account of the facts that ^{he belonged to} he ~~is~~ reserved category of S.T..

6. Considering the facts and circumstances in our opinion this application has no merit and liable to be dismissed ^{also on the ground that} ~~as~~ necessary parties Ram Bachan, Hamid Ali, Kanhaiya Lal have not be implemented as respondents. The application is accordingly dismissed.


A.M.


V.C.

/S.P./