

(RESERVED)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 01<sup>st</sup> day of Feb, 2006.

HON'BLE MR. K.B.S. RAJAN, MEMBER- J  
HON'BLE MR. A.K. SINGH, MEMBER- A.

Original Application No. 1475 OF 1998

Upendra Ram, S/o Sri Shyam Ram,  
R/o 408, Loco Colony, Mughalsarai,  
Distt. Varanasi.

.....Applicant

Vs.

1. Union of India through the General Manager,  
E. Rly., Calcutta- 1.
2. The Senior D.P.O, E. Rly.,  
Mughalsarai, Varanasi.
3. Sri Madan Lal, Khalasi Helper, Diesel Shed,  
E. Rly., Mughalsarai, Varanasi

.....Respondents

Present for the Applicant:  
Present for the Respondents :

Sri S.K. Dey/ Sri S.K. Mishra  
Sri A. Tripathi

ORDER

BY HON'BLE MR. K.B.S. RAJAN, JM

The applicant joined as Khalasi and trained for the post of Rigger Gr. III (pay scale Rs. 3050-4590), has challenged the seniority list dated 17.07.1998 whereby he has been shown as junior to one Sri Madan Lal.

2. Earlier on 31.01.1998 options were called for to participate in test for promotion to grade of Rigger and the applicant was enlisted for the same subsequent to one Sri Nagendra Singh. The practice was that when senior is subjected to test for promotion, it is only <sup>when</sup> ~~that~~ the senior <sup>waived</sup> placed to that junior to him would be called.

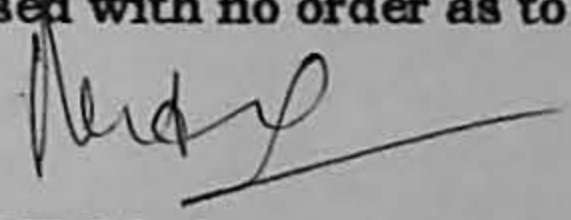
3. Though the applicant was asked to <sup>be</sup> ready for the test vide the above letter, he was not called for the test instead by letter dated 17.07.1998, a revised seniority list was published vide impugned order dated 17.07.1998. The applicant has challenged the same.

4. The O.A was filed on 22.12.1998 and prior to the same said Sri Madan Lal, who was shown senior to the applicant, was selected to the post of Rigger Gr. III.

5. The respondents have contested the O.A. According to them, the post in question is a non-selection post and as per rules and practice, senior most, if found suitable, would be promoted and posted. As regards earlier call letter dated 24.03.1998, the respondents stated the same was to be cancelled due to some irregularities and as such, after the correct seniority list was published, Sri Madan Lal was selected.

6. We have heard counsel for parties.

7. The applicant could not show any proof to establish that Sri Madan Lal was junior to the applicant. As such he cannot assail the seniority list. His mere being called upon for trade test vide letter dated 24.03.1998 cannot give him any right to be considered for promotion, when seniors were available. Further he has not challenged the order of promotion of Sri Madan Lal, whose promotion took place before the O.A was filed. Even after CA was filed, no steps were taken by the applicant to amend to O.A. Thus from all the angles the O.A fails and is accordingly dismissed with no order as to costs.

  
MEMBER- A.

  
MEMBER- J