

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 223-A of 1998
this the 21st day of August 2003.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

Bhola Nath, S/o R.K. Ram, R/o RPF Colony, Mughalsarai,
District Varanasi.

Applicant.

By Advocate : Sri S.K. Misra.

versus.

1. Union of India through the General Manager, E. Rly.,
Calcutta.
2. Divisional Railway Manager, E.Rly., Mughalsarai,
District Varanasi.

Respondents.

By Advocate : Sri A.V. Srivastava.

O R D E R

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

By this O.A. under Section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to assign his promotion and seniority from the date of completion of three years regular service in view of the judgment dated 15.1.1993.

2. The facts of the case are that the applicant joined the railway as Substitute Khalasi on 24.9.1984. He was regularised on 12.2.1988. Thereafter, an advertisement was published on 16.2.88 for the post of Trainee Skilled Fitter. ^{inviting applications} for which the applicant had also applied ~~for the~~ ^{for the} same and after qualifying in written test, he was called-for interview. He was selected and empanelled for the post of Trainee Skilled Fitter in the grade of Rs. 950-1500/- It may be mentioned at this juncture that for appointment as Trainee Skilled Fitter, three years regular service was necessary. The applicant was regularise

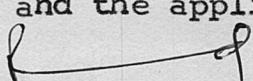
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on 12.2.1988 and on the date of advertisement i.e. ^{three years} 16.2.1988, he had not completed regular service. The mistake was subsequently detected and the name of the applicant was deleted from the panel. He was not sent for training alongwith other candidates. Aggrieved by which, he filed O.A. no. 32 of 1991 before this Tribunal. The Tribunal found that the applicant had submitted his application without stating therein that he had completed the required three years of regular service. ^{on 15-1-1993} The Tribunal disposed of the aforesaid O.A. with the following observations:

"-----In our opinion in view of the fact that because of the mistake and error on the part of the Railway Administration, he was allowed to appear in the examination and qualified in the same, his case for promotion may be considered after he completed the period of three years of regular service and we hope that the Railway Administration will do so. The application is disposed of with the above terms. No order as to costs."

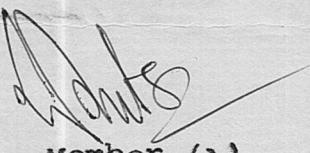
After the judgment of the Tribunal, the applicant ^{which} was sent for training in ^{which} he was declared successful. on 18.12.93, he was promoted as Trainee Skilled Fitter. The grievance of the applicant is that on account of delay caused by the railway administration, the applicant has lost his seniority. The direction of the Tribunal was to send him for training on completion of three years of regular service, which he completed on 11.2.91 and he is entitled for seniority from 1991.

3. We have considered carefully the submissions made by the learned counsel for the applicant. However, we do not find any force in the same. The order of the Tribunal was passed on 15.1.1993, only thereafter the applicant could be sent for training. The order dated 28.12.1994 shows that the applicant was sent for training ^{with effect from 18-12-93} and he was promoted as Fitter Gr.III. In Counter reply, it has been mentioned that the date 18.12.93 was subsequently modified and the applicant was assigned

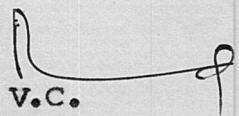


his seniority w.e.f. 18.6.93. Thus, the applicant was appointed on promotion post on 18.6.93. i.e. the earliest possible time after the Tribunal's order dated 15.1.93. ~~as~~ without completion of training, applicant could not be appointed. Thus, he cannot claim for any benefit.

4. In the circumstances, the O.A. has no merit and the same is accordingly dismissed. NO costs.



Member (A)



V.C.

GIRISH/-