

Open Court.

Central Administrative Tribunal,  
Allahabad Bench, Allahabad,

Dated: Allahabad, This The 18th Day of October, 2000.

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

Hon'ble Mr. S. Dayal, A.M.

Original Application No. 1450 of 1998

Hari Mohan Swarnkar,  
aged about 40 years  
son of Sri Ram Charan Swarnkar,  
Resident of 81, Jharkaria,  
Jhansi.

. . . Applicant.

Counsel for the Applicant: Sri A.K. Dave, Adv.

Versus

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

. . . Respondents.

Counsel for the Respondents: Sri G.P. Agarwal, Adv.

Order ( Open Court )

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

We have heard Sri A.K. Dave counsel for the  
applicant and Sri S.D. Kapoor holding brief of





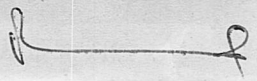
Sri G.P. Agarwal for the respondents.

2. This application has been filed for a direction to the respondents to extend the benefit of proforma fixation of pay and seniority from the retrospective date of 1983 in terms of Railway Board's order dated 5.1.90 and 2.11.95.

3. The facts giving rise to this application are that applicant was selected for appointment in pursuance of Notice No.2/80-81 (Category No. 25). However, appointment on the basis of selection could not be given on account of some vigilance enquiry pending in the Head Quarters in respect of some other candidates in <sup>some</sup> selection proceedings. The appointment letter was ultimately issued on 16.5.89. The applicant <sup>was</sup> joined as Trains Clerk at Bhopal initially. Subsequently on his representation he was appointed as Office Clerk at Jhansi. The applicant claims seniority on the basis of Head Quarter's letter dated 5.1.90. In this connection he made several representations. However, no attention has been paid to his request, <sup>hence</sup> he has filed this application.

4. Similar controversy has already been decided by Jabalpur Bench in O.A. 879/91. This Tribunal also following the order of Jabalpur Bench decided O.A. No. 497/93 by order dated 28.7.2000. As the facts are similar this application may be also disposed of on same terms and conditions in which O.A. No. 497/93 has been decided.

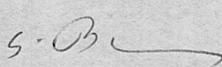
5. <sup>accordingly</sup> The application is/disposed of finally with the direction that the applicant shall make representation to respondent no.1 (General Manager,

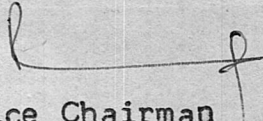




Central Railway, Mumbai, (V.T.) along with the copy of this order and copy of the judgment of Jabalpur Bench and the letter of Head Quarter dated 5.1.90 and 2.11.95. Claim of the applicant regarding seniority shall be considered and determined in the light of aforesaid judgment within three months from the date it is filed before him.

There will be no order as to costs.

  
Member (A.)

  
Vice Chairman

Nafees.