

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Original Application No. 1466 of 2001.

Allahabad this the 24th day of September, 2002.

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

Hon'ble Mr. A.K. Bhatnagar, J.M.

Abdul Khaliq son of Late Bulaki,
working as Skilled Artisan under
Divisional Electrical Engineer (RS).
Electric Loco Shed, Northern Railway, Kanpur.

.....Applicant.

Counsel for the applicant: Sri C.P. Gupta.

V E R S U S

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager Northern
Railway, Allahabad.
3. The Divisional Personnel Officer, Northern
Railway, D.R.M.'s Office, Allahabad.

.....Respondents.

Counsel for the respondents : Sri H.A. Kumar.

O. R D E R (Oral)

(By Hon'ble Mr. S Dayal, A.M.)

This application has been filed for setting aside the impugned order dated 12.02.2001 (Annexure A-1) and to allow the benefit of upgradation on the post of Tool Room Attendant w.e.f 01.01.1986 alongwith the benefit of arrears and promotion etc.

2. The applicant had filed O.A. No. 899/92 praying for a direction to the respondents to grant him the benefit of upgradation of the post of Tool Room Attendant

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in the grade of Rs. 950-1500/- w.e.f. 01.01.1986, from the date, persons junior to him namely Sri Saudan Singh, Sri Gover Dhan Lal and Ram Khilawan were given benefit and grant him all consequential benefit. In representation made to the respondents on 26.03.92, a copy of which was filed as Annexure A-7 to the O.A., the applicant had claimed himself senior to these 3 persons. The respondents had claimed that all 3 persons were senior to the applicant, but had not been in position to file seniority list. Hence directions were given in the said O.A. to decide the applicant's representation by a reasoned order.

3. We have heard and argument of Sri Anand Kumar brief holder of Sri C.P. Gupta, learned counsel for the applicant. Sri R.K. Verma brief holder of Sri H.A. Khan counsel for the respondents.

4. We have perused reply to the representation, which is annexed as Annexure A-1 to this O.A. The contention of learned counsel for the applicant that all the 3 persons were junior to the applicant has been controverted by the respondents by producing seniority list in which Sri Gover Dhan Lal and Sri Saudan Singh are shown as officials on seniority Nos 1 and 2, in the seniority list of Tool Room Attendants. The name of Sri Ram Khilawan has not been mentioned in the seniority list, which is filed as Annexure -2 to the C.A. The respondents have stated that the said official retired some time in 1994. The learned counsel for the applicant claims that he should be granted the benefit of upgradation on the post of Tool Room Attendant, as Sri Ram Khilawan was also promoted alongwith other two persons, namely Sri Gover Dhan Lal and Sri Saudan Singh.

5. No date of promotion of Sri Ram Khilawan has been

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given by the applicant in his O.A. The name of Sri Ram Khilawan was clubbed with Sri Gover Dhan Lal and Sri Saudan Singh. In the absence of establishment of fact that Sri Ram Khilawan had been promoted on the upgraded post w.e.f. 01.01.1986, therefore, we find no merit. The O.A., stands dismissed.

6. There shall be no order as to costs.


Member-J


Member-A

Manish/-