

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 8th day of January, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 1559 of 2001

Syed Aijaz Ali S/O Syed Mhd. Ali R/O 30, Aligole, Jhansi,
working as Senior Assistant Parcel Clerk, Railway Station,
Jhansi.....
.....Applicant.

Counsel for applicant : Sri H.P. Pandey.

Versus

1. Union of India through General Manager, Central Railway,
Bombay.

2. Divisional Railway Manager (P), Central Railway, Jhansi.

.....
.....Respondents.

Counsel for respondents : Sri P. Mathur.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri H.P. Pandey, learned counsel appearing
for applicant and Sri P. Mathur, learned counsel representing
for respondents and perused the pleadings.

2. The applicant, who was working on the post of Senior
Commercial Clerk, has instituted the instant O.A. for quashing
the impugned order dated 1.10.2001 and further a direction
to respondents to grant him consequential benefits of
seniority and for fixation of pay at par with the juniors,
who were empanelled for the post of Ticket Collectors vide
panel notified on 8.3.1996. Even earlier the applicant had
instituted O.A. No. 431/96 which was disposed of vide order
dated 19.7.2001 with following direction :-

"The applicant is provided liberty to move a fresh
representation within 2 weeks and same be consid-
ered and decided by the respondents within 2 months
thereafter and in case his prayer is not acceded,
a detailed reasoned and speaking order be passed
with copy to the applicant."

Par

3. Pursuant to the said direction, applicant filed a representation on which the following order was passed by the Divisional Railway Manager(P), Jhansi :-

"In compliance of direction contained in the judgment dated 19.07.2001 passed by Hon'ble CAT-AID in O.A. No.431/1996 I have gone through his representation, considered the issues raised therein and the following orders are passed :-

(i) Though it is a fact that the applicant had applied for change of cadre from comml.Clerk to the ticket collector in the year 1996, he was found unsuitable in the screening conducted by the screening committee. Some of his juniors in comml. Clerk cadre who were found suitable at that time, were absorbed in ticket checking cadre and assigned seniority as per rules.

He again appeared for the screening for change of cadre of TC in 1998 and this time he was found suitable in the screening. After passing training, he was posted as TC vide this office letter of 05.04.99 and he has been assigned seniority accordingly. Since he was declared unsuitable for this cadre change in 1996, he cannot be given seniority from that year. This disposed of his representation."

4. The said order came to be communicated to the applicant vide order dated 1.10.2001. A perusal of the order would indicate that the applicant was ^{albeit} ~~not~~ considered and subjected to screening for empanelment to the post of ticket collector in the year 1996 but he was found unsuitable in the screening conducted by the Screening Committee. The fact that some of his juniors in the cadre of Commercial Clerk were absorbed in ticket checking cadre, would not vitiate the order since the juniors, ^{as it has} ~~have~~ been stated in the order, were found suitable while the applicant was found unsuitable in the screening conducted by the Screening Committee. Sri P. Mathur, learned counsel for respondent was directed to produce the materials, if any, if the applicant was found unsuitable, and whether the applicant had been punished in

(P.M)

1987, 1989, 1990 and 1992. In the face of punishment orders annexed ^{as} to the SCA-7, it is difficult for us to hold that the Screening Committee conducted arbitrarily in holding that the applicant was not suitable for employment to the Ticket checking cadre.

5. In the circumstances we find no merit in the case. The O.A. is accordingly dismissed with no order as to costs.

Dinesh
A.M.

Rej
V.C.

Asthana/