

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1157 of 2001

Allahabad this the 03rd day of October, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.S.K.I. Naqvi, Member (J)

Bhagwan Swarup Misra, aged about 57 years, Son of Sri M.P. Misra, resident of 535/445 Colonelganj, Allahabad presently working as Highly Skilled Technician under Dy.Chief Electrical Engineer(Construction) Northern Railway, Allahabad.

Applicant

Advocate Shri A. Mishra

Versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. Divisional Railway Manager, Allahabad.
3. Deputy Chief Electrical Engineer(Construction) Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

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

This application has been filed for setting aside the impugned order dated 19.09.01. A direction is sought to the respondents no.2 and 3 to publish the correct seniority list by placing the name of the applicant before Shri Kalyan Sagar. A direction is also sought to the respondents to permit the applicant to appear in the trade test for the post of M.C.M.

2. The facts stated by the applicants are that the applicant was appointed as Skilled Lineman on 06.11.1969, and was promoted as Highly Skilled Lineman on 04.07.83. It is claimed that selection/confirmation for the post of Highly Skilled Lineman was held on 05.10.85, but the applicant was not called ~~because~~ of incorrect seniority list. The applicant claims to have submitted a representation, on the basis of which he was called for selection to the post of Highly Skilled Lineman held on 30/31-10-86, in which the applicant was ~~qualified~~ ^{Successful} and was promoted on the said post vide order dated 20.02.1987. The applicant has claimed that he was senior to Shri Kalyan Sagar as his name was placed above the name of Shri Kalyan Sagar in the seniority lists of 15.02.72 16.06-72 and notice dated 06.10.72 and seniority list dated 01.02.75. The applicant claims that seniority list corrected upto 01.03.1993 was made available to him only after 07.05.97. He claims to have raised the dispute before the Open Adalat, but dispute regarding his seniority was not being settled by the respondents. Besides the relief sought by him, he also states that the seniority list of 01.03.93 was illegal and was liable to be quashed.

3. We have heard the applicant inperson.

4. The immediate interest of the applicant is on account of notice dated 18-19.09.01 by which some nine candidates have been asked to appear on 04.10.01 for eligibility test for the post of M.C.M. The applicant seeks a direction to the respondents to permit him to appear in the said test as his juniors including

:: 3 ::

Shri Kalyan Sagar have been asked to appear in
the said-test.

5. We find that the admitted position is that
the applicant was ^{promoted} ~~permitted~~ to the post of Highly
Skilled Lineman by order dated 20.07.87 and the
officials shown in impugned annexure A-10 are those
who had been promoted to the said post before the
applicant. The applicant has not challenged the
promotion of these officials at the appropriate
time. He seeks to challenge the seniority now by
the present O.A., which is grossly barred by limit-
ation.

6. Under the circumstances, we dismiss the
O.A. in limine with no order as to costs.

S. K. Sagar *S. K. Sagar*
Member (J) Member (A)

/M.M./