

Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.474 of 1987

Fauz Singh Plaintiff

Versus

Union of India & Others Defendants.

Hon.J.D.Jain, V.C.
Hon. Birbal Nath, A.M.

(By Hon.J.D. Jain, V.C.)

In this Suit being Misc. Civil Suit No.500 of 1984 which was filed in the Court of Munsif City Bareilly and was lateron transferred to this Tribunal by virtue of Section 29 of the Administrative Tribunals Act, 1985, the primary relief sought by the plaintiff (hereinafter called as petitioner) was that he was not assigned his combined seniority in the grade of Rs. 330-560 and therefore he was ignored for promotion to the post in the scale of Rs. 700 - 900 whereas Sarvajit Kumar, respondent No.3 who was a, Conductor and belong to one of the *Seedu series* to the said post was promoted w.e.f. 1.1.84 vide order dated 12.10.84. Lateron he amended the plaint by *substituting* ~~virtue of~~ new paragraphs 16, 16(a) and 16(b). Still later he made an application dated 2.7.87 stating that the combined seniority list pertaining to the grade Rs. 425-640 of Conductors, Senior Ticket Examiners and Head Ticket Collectors has since been modified suitably as per letter dated 15.4.87

circulated by the respondent Railway. According to the said seniority list the petitioner has been assigned his due seniority at Sl. No.11 whereas Sarvajit Kumar, respondent No.3 has been ~~held~~ ^{given} seniority at Sl.No.15. So according to him there is no longer any impediments ^{in his} being considered for promotion to the higher scale of Rs.700 - 900, he being already ~~working~~ in the scale of Rs. 550 - 750.

2. No reply to the latest application has been filed by the respondents but we do not see any reason to doubt the ^{veracity} ~~validity~~ of the seniority list a copy of which has been filed by the petitioner alongwith this application. In view of the facts stated above, it would be just and proper if the petitioner is also considered for promotion to the higher post in the scale of Rs. 700 - 900 to which ^{already} post respondent No.3 Sarvajit Kumar has been promoted in accordance with the Service Rules but from the same date on which respondent No.3 was promoted to the said post. The respondents are directed to pass an appropriate order regarding his promotion within three months from today. This application is disposed of accordingly.

28/4/88
Member (A)

J. Dain
Vice Chairman

Dated the 8th April, 1988

RKM