

(1/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
AT ALLAHABAD.

....

Dated: 23.8.1995

O.A. No. 1002 Of 1988

Hon. Mr. Justice B.C. Saxena, V.C.
Hon. Mr. S Das Gupta, Member (A)

Kamla Devi Verma wife of late O.P. Verma,
R/o 364/414, Rani Mandi,
Allahabad. APPLICANT.

(By Advocate Sri R.P. Srivastava)

VERSUS

1. Union of India through the General Manager,
N. Rly. Baroda House, New Delhi.
2. The D.R.M.N.R. Allahabad.
3. The D.P.O. N. Rly.
Allahabad. RESPONDENTS.

(By Advocate Sri A.K. Gaur)

O R D E R (oral)

(By Hon. Mr. Justice B.C. Saxena, V.C.)

A very short question is involved in the present O.A. The applicant claims seniority w.e.f. 4.2.1983 in the cadre of Senior Clerk. According to the averments made in the O.A., a suitability test for the post of Senior Clerk was held on 13.2.1983 but the applicant did not qualify in the said test. The applicant alleges that he continued to officiate on the post of Senior Clerk. He subsequently appeared at another suitability test on 31.5.1986 and he qualified in the said test. The applicant claims that the period of officiation between 4.2.1983 and 31.5.1986 may be counted for the purpos

1
Bcl

(1/1)

of seniority. The order of adhoc promotion contained in Annexure- A 2 clearly stipulates that the promotion was on adhoc basis subject to passing the suitability test. Certain persons who are alleged to be junior to the applicant had qualified in the 1983 suitability test and have been assigned seniority from that date, while the applicant has been assigned seniority from the date of his qualifying ⁱⁿ the ^{subsequent} suitability test. The learned counsel for the applicant cited decisions of the Hon. Supreme Court reported in 1994 S.C.C.(L&S) ,412 .After having perused the said decision, we find that it has no applicability to the question involved in the present case. This decision has nothing to do with the assignment of seniority. Obviously, the persons who ~~were~~ qualified in the earlier suitability test, even though, they may ^{have} at one time ^{been} junior to the applicant, cannot be placed below the applicant after they had qualified ⁱⁿ suitability test and the applicant had failed to qualify at the said suitability test. No further points have been urged. The O.A.lacks merit and is, therefore, dismissed. Parties to bear their own costs.

W.C.
MEMBER (A)

B. Saksena
VICE-CHAIRMAN.

(N.U.)