

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1540 of 1992

Allahabad this the 22nd day of March, 1999

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

Hon'ble Mr. S.K. Agrawal, Member (J)

Shri D.D. Chaturvedi, S/o Late Shri S.P. Chaturvedi, aged about 46 years, R/o Rly. Quarter No.RB III 646 'B' Maithilisharan Gupta Marg, Jhansi, working as Driver 'A' at Jhansi Loco Shed on Central Railway in Grade Rs.1600-2660(RPs).

Applicant

By Advocate Sri H.P. Pandey

Versus

1. Union of India through the General Manager, Central Railway, G.M. 's Office, Bombay V.I.
2. Divisional Railway Manager, Jhansi, Central Railway, D.R.M's Office, Jhansi(U.P.)
3. Divisional Railway Manager (PERSONNEL), Central Railway, D.R.M. 's Office, Jhansi(U.P.)

Respondents

By Advocate Sri V.K. Goel

ORDER (Oral)

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

This is an O.A. filed by the applicant to get seniority as per correct implications of Rule 312 of the I.R.E.M. and exclude unqualified and in-eligible

officiating Fireman for reckoning seniority over the applicant who was properly appointed as Fireman 'A'. Further prayer is to rescind the order of promotion of Shri Munna Lal from 04.10.1983 and assigned the actual status of Shri Munna Lal to Shri J.K. Sharma on mutual transfer under Rule No.310 of I.R.E.M.

2. Learned counsel for the applicant mainly contends that the applicant should have been assigned seniority below the confirmed employees and that officiating employees should have been placed below him. We have seen the provision of I.R.E.M. Rule 312 which reads as follows;

" 312. Transfer on request:- The seniority of railway servants transferred at their own request from one railway to another should be allotted below that of the existing confirmed and officiating railway servants in the relevant grade in the promotion group in the new establishment irrespective of the date of confirmation or length of officiating service of the transferred railway servants."

3. The Rule clearly mentions that a railway servant transferred at his own request from one railway to another should be allotted seniority below that of the existing confirmed and officiating railway servant in the relevant grade irrespective of the date of confirmation or length of officiating service of the transferred railway servants.

4. Learned counsel for the applicant has mainly challenged seniority of one Shri J.K. Sharma who came on mutual transfer with Shri Munna Lal. It is admitted that

Shri Munna Lal had been promoted to the post of Driver 'A' while the applicant was at that time in the post of Driver 'B'. Sri J.K. Sharma who had mutually exchanged the place with Shri Munna Lal, was also in the same grade as Shri Munna Lal, as only that would have entitled him to have benefit of Rule 310 of I.R.E.M. which provides for retention of seniority, only on the basis of date of promotion to the grade or taking the seniority of the railway servant with whom exchanged, whichever of the two may be lower. In any case the applicant had made a representation to the railway authorities regarding Sri J. K. Sharma's seniority which had been replied vide letter of D.R.M. (P), J-hansi dated 27.2.92.

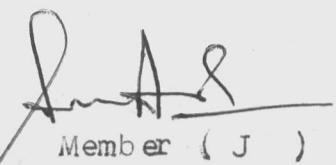
5. In this O.A., the applicant has not impleaded Shri Munna Lal and yet seeks to challenge his promotion and seniority. Such a challenge cannot be allowed.

6. The matter relates to the year 1978. The O.A. challenging the seniority assigned to the applicant has been filed in 1992, which is 14 years after the applicant came on transfer from South Eastern Railway. Thus, the matter is grossly barred by limitation.

7. The record of the case also shows that the applicant had made representation regarding his seniority earlier in 1978 and a reply was given to him by Divisional Superintendent Office, Jhansi on 10.1.79, rejecting his claim for seniority other than what was assigned to him. Hence, from all angles the applicant

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cannot be allowed any relief claimed by him in the
O.A. The O.A. is, therefore, dismissed as having
no merit. There shall be no order as to costs.


Member (J)


Member (A)

/M.M./