

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 487 of 1992

Allahabad this the 19th day of May 1999

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

1. Mukesh Kumar Srivastava, aged about 28 years,
S/o Shri S.N. Srivastava, resident of 14, S_unaryana,
Pulliya no.9, Jhansi.
2. Rakesh Kumar, aged about 25 years, Son of Shri
Govind Dass, resident of 600/1, Bodh Raj Compound,
Masiha Ganj, Sipri Bazar, Jhansi.

Applicants

By Advocate Shri R.K. Nigam

Versus

1. Union of India through General Manager, Central
Railway, Bombay V.T.
2. Divisional Railway Manager, Central Railway,
Jhansi.

Respondents

By Advocate Shri Prashant Mathur

ORDER (Oral)

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

This application has been filed for direction
to the respondents to quash the impugned order dated 09
06.12.1990 and not to disturb the seniority of the app-
licants as already fixed vide order dated 28.11.1988.

2. The order dated 06.12.1990 is seniority list of CTNC grade Rs.1600-2660, STNC grade Rs.1440-2300, Senior TNC grade Rs.1200-2040, Junior TNC grade Rs.950-1500 issued on a provisional basis giving one month's time to an employee who may want to have any representation ^{regarding} ~~concerning~~ the seniority list. Thus, the order which is impugned in this case is provisional in nature. The order dated 28.11.1988 is an order of posting of Junior TNC in the grade of Rs.950-1500 by which TNCs were undergone practical training, were posted as Junior TNC in the grade of Rs.950-1500 on temporary and ad hoc basis. The name of the applicants appear at serial no.2 and serial no.5 in this list.

3. The applicants have claimed that ^S/Shri Vinod Kumar, Bhupendra Sharma, Sohan Lal, Chandra Bhan and Chhida Lal were sent for training to Zonal Training School, Bhusawal after the applicants had been appointed and were junior to the applicants. One Shri Krishna Pal Singh is also stated to be junior to the applicants. The applicants claim to have submitted a representation dated 24.10.1991.

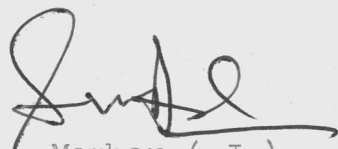
4. The arguments of Shri Upendra Nath brief holder of Shri R.K. Nigam, counsel for the applicant and Shri Prashant Mathur, learned counsel for the respondents, have been heard. The pleadings have been taken into account.

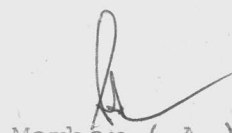
5. The first issue is whether the order impugned in this case can be set aside. The order impugned in this case is a provisional seniority list giving

one month's time to the persons contained in the seniority list to make any representation. The applicant has sent his representation after a period of 11 months and the respondents have denied that they have received any representation from the applicant.

6. We find that the persons named in the O.A. as juniors to the applicant, have not been impleaded as respondents in this case and relief is being claimed against them. This relief cannot be allowed for that reason. The respondents have also mentioned that this case is outside the period of limitation prescribed. The applicant in his O.A. has merely mentioned that the present case arose on 06.12.1990 when the order of shifting seniority, was issued without giving any show-cause notice. This O.A. has been filed on 02.4.1992. The applicant claims to have been made a representation on 24.10.1991, which is highly belated if we see the period allowed to those included in the seniority ^{for} making ^{a representation,} ~~representation~~. Hence, on the ground of limitation also, the applicant is unable to satisfy that this application has been filed within the period of limitation.

7. We, therefore, find that this O.A. has no merit and is, therefore, dismissed. No order as to costs.


Member (J)


Member (A)