

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 08th day of May 2001.

Original Application no. 1176 of 1992.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Member-A.

<u>Applicants</u>	<u>Father's Name</u>	<u>Post held</u>
1. Sri K.P. Singh, S/o Late Shri P. Singh		H/C
2. " Banwari Prasad, S/o Late Sri Bhage		do
3. "A.K. Ghaudhery S/o Sri G.N. Chaudhery		do
4. " T.N. Pandey, S/o Late P. Pandey		do
5. " V.B. Singh, S/o Late R.T. Singh		do
6. " Prem Nath, S/o Sri Kashi Prasad		do
7. " R.D. Singh, S/o Sri Bhakham Singh		do
8. " D.K. Srivastava, S/o Sri D.L. Srivastava		Sr./Cl
9. " Jitendra Sahay, S/o Sri U.P. Sahay		do
10. " Rajesh Kumar, S/o Sri G.N. Verma		do
11. " Subhas Chandra, S/o Sri R.G. Prasad		do
12. Km. Arti Chakrabarti, D/o Late S.D. Chakarbarti		do
13. Sri Aroop Kumar Ghosh, S/o Sri S.K. Ghosh		do
14. " Santosh Kumar, S/o B.L. Srivastava		do
15. " Ashok Kumar, S/o Late Sri R.B. Singh		do
16. " A.K. Khare, S/o late J.P. Khare		do
17. " Lal Babu Pd, S/o Sri D. Prasad		do
18. " Mithu Ram, S/o Sri Bhola Nath		do
19. " S.C. Singh, S/o Sri V. Singh		do
20. Smt. Subhabati Singh, W/o late Jwala Singh		do
21. Sri M.D. Christopher, S/o Late J. Christopher		do
22. " D.K. Dubey, S/o Sri S.N. Dubey		do
23. " R.P. Chaurasia, S/o Late Jeetan Prasad		do
24. " Subod Kumar, S/o Sri S.K.P. Sinha		do
25. " Rajesh Gautam, S/o Sri R.P.S. Gautam		do
26. Smt. K.B. Srivastava, W/o late A.K. Verma		do
27. Sri H.K. Sinha, S/o Late D.S. Sinha		Jr./Cl.

Address of all above applicants are the same as :-  
The Controller of Stores Office,  
North Eastern Railway, Gorakhpur.

...Applicants

C/As Sri M.K. Updhayaya

...2/-

Versus

vs. Union of India,  
representing through

1. The General Manager,  
N.E. Rly.,  
Gorakhpur.
2. Chief Personnal Officer,  
N.E. Rly.,  
Gorakhpur
3. The Controller of Stores,  
N.E. Rly.,  
Gorakhpur
4. The Chief Mechenical Engineer,  
N.E. Rly.,  
Gorakhpur.
5. Mohd Nasiruddin,  
ADM, COS Office,  
N.E. Rly.,  
Gorakhpur.

... Respondents

C/Rs. Sri V.K. Goel

ORDER (Oral)

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA under section 19 of the A.T. Act, 1985, the applicants have prayed to direct the respondents no. 1 to 4 to sent<sup>ed</sup> respondent no. 5 back to his own cadre on the post of A.D.M. (Assistant Draft Man) and

...3/-

to quash order dated 17.1.92. It has also been prayed that the respondents no. 1 to 3 may be directed to promote the junior ~~and senior~~ clerks to the post of senior and head clerks, <sup>as held by</sup> ~~acquired~~ by the respondent no. 5, with back date. Other reliefs have also been claimed but they are not relevant.

2. From the report (Annexure 2 ) it appears that respondent no. 5 Mohd Nasiruddin was posted as A.D.M. in Controller of Stores Office as there was only one post and there was no other avenue for promotion. It was decided to transfer him to other equivalent category. Consequently, the respondent no. 5 was designated as Sr. Clerk in place of A.D.M.. The dispute arose about the placement of respondent no. 5 in the seniority list of Sr. Clerks. After considering the complaint of the Sr. Clerks and perusal of the recommendation, respondent no. 5 was placed at sl. no. 15 -A in the seniority list showing his appointment as 27.12.83 and also the entry in the pay scale on the same date.

3. Shri M.K. Updhayaya, learned counsel for the applicant assailed the order of placement of respondent no. 5 saying that applicants were not heard before inducting respondent no. 5 in the seniority list as Sr. Clerk and their chance of promotion as Headclerk <sup>has</sup> ~~has~~ been jeopardized.

4. We have carefully considered the submission of learned counsel for the applicant. However, we do not find that any prejudice has been cause to the

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applicants. Respondent no. 5 has been placed between sl no. 15 and 16. At sl. no. 15 the name of Sri Ishwar Deen is mentioned who was appointed as Sr. Clerk on 22.10.82, against sl no. 16 the name of Sri K.P. Singh has been mentioned who was appointed as Sr. Clerk on 03.04.84. Thus the placement of respondent no. 5, who was appointed on 27.12.83, is correct and justified. Rest of the persons below him from sl. no. 16 onwards are persons who were appointed after respondent no. 5, <sup>who is</sup> as direct appointee and he could be placed on the basis of his date of appointment.

5. For the above, we do not find any merit in the O.A. and the same is rejected. No order as to costs.



Member-A



Vice-Chairman

/pc/