

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF DECEMBER, 2001

Original Application No.1244 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

Krishan Kumar Sharma (IVth) Driver  
'A' Grade-Passenger, S/o Late Ram Kumar Sharma  
R/o Qr.No.152-B Railway Harthala  
Colony, Moradabad.

... Applicant

Versus

1. Union of India, through Secretary  
Ministry of Railways, Govt. of India,  
New Delhi.
2. The General Manager, N.R. Baroda  
House New Delhi.
3. Divisional Railway Manager,  
N.R. Moradabad.
4. The Senior Divisional personnel  
Officer C/o D.R.M's office, Moradabad  
Northern Railway, Moradabad.

... Respondents

((By Adv: Shri Lalji Sinha))

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

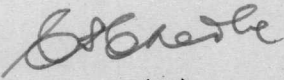
By this OA u/s 19 of A.T. Act 1985 applicant has prayed that he may be awarded compensation of Rs.80,000 with 10% interest and pendentelite for the loss he has suffered on account of the action of the respondents by which he was superseded on 8.9.1992 and one Narsingh Narain was promoted as Driver Grade 'A'. The applicant has also<sup>u</sup> prayed that the service record<sup>u</sup> promoting the applicant on his right specified days may also be corrected as detailed in para 6. During pendency of this OA applicant has however ~~has~~<sup>u</sup> retired from service on 31.10.1993. The case of the

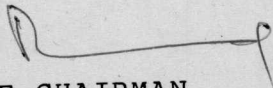
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applicant is that Narsingh Narain was transferred from Firozpur division to Moradabad division as Cleaner. On the contrary, the case of the respondents is that Narsingh Narain was transferred as Fireman Grade-C'. It is also submitted that the seniority list was prepared in 1984 and was published but no objection was filed. This purely a question of fact <sup>if required to be determined</sup> whether Narsingh Narain was transferred to Moradabad division from Firozpur as Cleaner or as Fireman grade 'C'. The applicant has not been able to produce any material on which basis it may be conclusively determined that Narsingh Narain <sup>was</sup> joined at Moradabad as Cleaner and not Fireman Grade 'C'. In the circumstances, the contention raised by the applicant cannot be accepted without which he cannot say that he suffered loss and claim compensation.

For the reasons stated above, this OA is dismissed. However, there will be no order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated:6.12.2001

Uv/