

A2  
2

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 54 of 1993

Hari Nath ..... Applicant

Versus

Union of India and Others ,..... Respondents

CORAM:

Hon'ble Mr. K. Obayya, Member(A)

Hon'ble Mr. Maharaj Din, Member(J)

( By Hon. Mr. K. Obayya, A.M. )

The applicant who was initially appointed as Khalasi in Central Railway subsequently stood transferred on request to Northern Railway and was appointed as Peon in the grade of Rs.70-85. According to the applicant his name appeared at sl. no. 26 in the seniority list notified on 19.4.79 and that he was confirmed in class IV post w.e.f. 1.10.81. It is the contention of the applicant that his service has been unblemished through out. In a subsequent seniority list notified on 31.7.87 his name was at sl. no.6 while one Jivit Prasad was placed at sl. no.7. That being the case the applicant was overlooked for promotion to the post of Daftari which should have been given strictly on the basis of seniority

e  
Contd.../p2

2

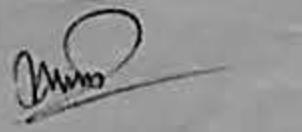
A2  
2

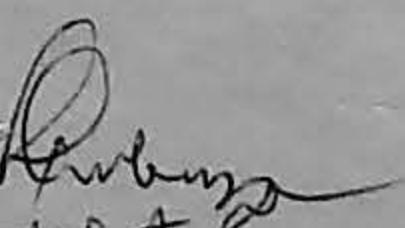
: : 2 : :

when his junior Jivit Prasad was promoted the applicant was also promoted as Daftari subsequently on 16.10.92.

2. The applicant has come before us impugning the order dated 25.11.92 (Annexure-8). In this order where certain shuffling was done Jivit Prasad is mentioned as "senior" and the applicant is mentioned as "junior". The applicant has represented this matter on 14.8.92 on which no orders have yet been passed. In as much as this petition is for determination of seniority and the benefits that flow from that seniority for which the applicant has already represented to the department, the learned counsel for the applicant urged that the application may be disposed of with suitable directions to the respondents.

3. Accordingly, the respondents are directed to consider the representation of the applicant dated 14.8.92 and decide his representation on merits and if it is held that the applicant is senior, the applicant should not be put to any disadvantage for future service benefits including promotion. The application is disposed of with these directions as above. No order as to the costs.

  
Member (A)

  
Member A  
Vice Chairman

Dated: January 13, 1993:

(Uv )