

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of July, 2000

Original Application No. 497 of 1993

CURAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Hon'ble Mr. S. Biswas, A.M.

Ashok Kumar Rawat,  
Son of Shri Lakhan Lal Rawat,  
Resident of 373, Nai Basti,  
Jhansi.

(Shri R.K. Nigam, Advocate)

. . . . Applicant

Versus

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

(Shri A.V. Srivastava, Advocate)

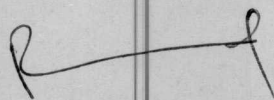
. . . . Respondents

ORDER (Oral)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application filed under section 19 of the Administrative Tribunal Act, 1985, the applicant has prayed for direction to the respondents to correct seniority of the applicant in terms of letter dated 5-1-1990 of the Headquarters in the Clerical Cadre (Routine Grade Clerk) DRM's Office, Jhansi.


2. The facts giving rise to this application are that the applicant was selected for appointment in pursuance of Notice No. 2/80-81 (Category-25). However, appointment on the basis of selection could not be given on account of some vigilance enquiry pending in the Headquarters in respect of some other candidates in same selection

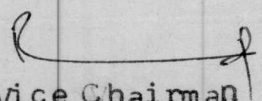


proceedings. The appointment letter was ultimately issued on 16-05-1989. The applicant joined as Office Clerk at Bhopal in grade Rs.260-400. After about 1½ years, he was transferred from Bhopal to Jhansi in the year, 1990. The applicant claims seniority on the basis of the Headquarters letter dated 5-1-1990. In this connection he made several representations, however, when no attention was paid to his request, he filed this application. Learned counsel for the applicant has invited our attention to the order of the Jabalpur Bench in the OA No.879/1991 by which the similar controversy has been decided by Division Bench of the Tribunal. We have perused the judgement and in our opinion if the facts stated in the application are correct the applicant is entitled for proforma seniority in terms of the Headquarters letter dated 5-1-1990. Shri A.V. Srivastava, learned counsel for the respondents submitted that it should be left to the department to determine the actual seniority of the applicant in the light of the judgement of the Jabalpur Bench and the Headquarters letter dated 5-1-1990.

3. Considering the case, we dispose of this application finally with the direction that the applicant shall make representation to respondent no.1, General Manager, Central Railway, Mumbai, V.I. alongwith the copy of this order and copy of the judgement of Jabalpur Bench and the letter of the Headquarters dated 5-1-1990. The claim of the applicant regarding the seniority shall be considered and determined in the light of the aforesaid judgement within a period of three months from the date, it is filed before the authority.

4. There shall be no order as to costs.

  
Member (A)

  
Vice Chairman

Dube/