

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 3rd day of July, 2001.  
Original Application No.541/1993.

CORAM :-

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

Hon'ble Maj Gen KK Srivastava, A.M.

Rajendra Kumar son of Late Shyam Lal,  
Resident of 103, Sohbatia Bagh, Allahabad,  
posted as Daftri, Senior Accounts Office,  
Construction, Allahabad, Northern Railway.

(Sri OP Khare, Advocate)

• • • • • .Applicant

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The F.A. and C.A.O./Administration, Northern  
Railway, Baroda House, New Delhi.
3. Senior Divisional Accounts Officer, Allahabad,  
Northern Railway.

(Sri GP Agrawal, Advocate)

• • • • • .Respondents

O R D E R (O\_r\_a\_l)

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

By this OA the applicant has prayed for a direction to the respondents to promote him as Class III employee w.e.f. 1988, the date on which he successfully cleared the written examination. He has also claimed that he should be placed above Sri J.N. Singh and Sri Kishan Lal, who have been appointed as Class III employee since 1988 though they were junior to the applicant.

2. Counter affidavit has been filed wherein it has been stated that for promotion from Class IV to Class III post written examination was held on 13-5-1988. The applicant cleared the same. Thereafter he was called for interview. However, in interview he could not perform well. Marks secured by him were much lower than Sri J.N. Singh and Sri

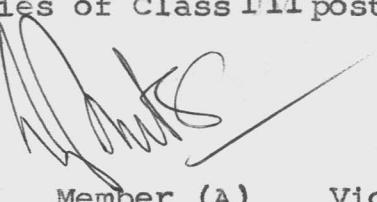
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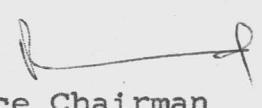


Kishan Lal. On the basis of performance before the Selection Committee names of Sri J.N. Singh and Sri Kishan Lal were recommended for appointment as Class III employee. The applicant was not selected ~~in this~~ for promotion. In these circumstances the claim of the applicant that a direction be issued to the respondents to appoint him as Class III employee cannot be given. The fact remains that he has not yet been selected for promotion and appointment as Class III.

3. Much has been said by Sri OP Khare, counsel for the applicant about seniority that the applicant was senior as casual labour to Sri J.N. Singh and Sri Kishan Lal. We have considered this aspect also but we do not find any merit. It has been specifically stated in the counter affidavit that earlier separate seniority list was being maintained for three units, DAO/ALD, SAOC/ALD and AO/CSP. In 1986 decision was taken to have a combined seniority list. The combined seniority list was prepared in which on the basis of appointment on regular basis Sri Kishan Lal was shown as Ser.No.9, Sri J.N. Singh as Ser.No.12 and the applicant was shown as Ser.No.13. It is not disputed that the applicant was appointed on regular basis in 1985. He never raised objection against the seniority list published in 1986. In these circumstances, the applicant cannot claim that he is senior to Sri JN Singh and Sri Kishan Lal. Further for such a dispute Sri Kishan Lal and Sri JN Singh should also have been made parties in this OA but they have not been arrayed as respondents and for this reason also the applicant is not entitled for any relief.

4. For the reasons stated above, we do not find any merit in this application and the same is accordingly dismissed. However, the applicant may be considered whenever there is selection for fresh vacancies of Class III posts as per rules. No costs.

  
Member (A)

  
Vice Chairman

Dube/