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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1479 of 1994

Allahabad this the 4th day of ~~December, 1993~~
^{January, 2000}
~~sub 82~~

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

Ajay Kumar Varma, aged about 32 years, son of Shri Hirday Nath Varma, R/o 430-B, Rly. Medical Colony, N.E.Rly. Gorakhpur.

Applicant

By Advocate Shri B. Tiwari.

Versus

1. D.R.M. (P), N.E. Rly, Lucknow.
2. C.P.O., N.E. Railway, Gorakhpur.
3. Union of India through the G.M., N.E. Rly.
Gorakhpur.

Respondents

By Advocate Shri G.P. Agrawal

ORDER

By Hon'ble Mr. M.P. Singh, Member (A)

The applicant while working as Yard Master in the pay scale of Rs.1600-2600/- met with an accident on 22.02.1992, during the course of his employment. The applicant had received injuries which were assessed by the Medical Practitioner as 81%. The applicant was paid an amount of Rs.83,410/- by-way of compensation provided under Workman Compensation.

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Compensation Act, 1923. His duty was also changed from the post of Yard Master to that of Controller in the scale of Rs.1400-2000/- and was posted at Gorakhpur. He has sought relief for payment of compensation in accordance with the provisions of Workman Compensation Act, 1923 with 18% interest ^{thereon} and also to direct the respondents to fix his seniority correctly in accordance with para-1314 (a) of Railway Establishment Manual, Vol.-I.

2. The Tribunal in its order dated 09.12.98 decided that as far as relief no.8(a) is concerned, it is outside the jurisdiction of the Tribunal in view of the judgment of the Apex Court in K.P. Gupta's case. The Tribunal has further directed that the applicant may seek the remedy before the proper forum as advised. As regards the relief no.8(b), 8(c) and 8(d) are concerned, they are maintainable.

3. With regard to the relief in para-8(b) of the U.A., which is the main relief, is concerned, the respondents have stated in their counter-reply that the change in the category from Yard Master (Rs.1600-2000) to Train Controller (Rs.1400-2000) was arranged vide G.M. (P) GKP Office Order No. E/4/T/Category, obtg/V1 (Loose) dated 17.8.1993 and D.R.M. (P) LJP's office order No. E/ PG/AK dated 28.1.1994 on his own request, hence, he has been given bottom seniority as per rule, in the grade of Controller.

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4. Heard, the learned counsel for the parties and have perused the record.

5. In view of the facts and circumstances discussed above, we find that the change of cadre from the post of Yard Master to that of Train Controller was made at the own request of the applicant and ~~and~~ now he has no right to claim the seniority than the one given by the respondents. The C.A. is, therefore, dismissed. No order as to costs.

W.B.M.
Member (A)

S. Sengar
Member (J)

/ M.M. /