

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 25TH DAY OF AUGUST, 2000

Original Application No 1514 of 1994

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

HON.MR.S.BISWAS, MEMBER(A)

Bir Bhadra Prasad, Son of
Late Tripureshwar Prasad,
Resident of Railway Quarter No.427/A South
Colony, Old Station, Kanpur(Nagar)

... Applicant

(By Adv: Shri B.N.Singh)

Versus

1. Union of India through the Divisional Railway manager, Northern Railway Allahabad.
2. Senior Divisional Personnel Officer Northern Railway, Allahabad Division, Allahabad.

... Respondents

(By ADV: Shri A.V.Srivastava)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application the applicant has prayed that he may be granted benefit in the same manner as has been granted to O.N.Gautam and Daya Ram yadav in pursuance of the order of this Tribunal dated 6.7.1992 in OA No.1405/88. The direction given by this Tribunal was to the following effect:-

'Accordingly this application is allowed and the respondents are directed to fix the pay of the applicants on basis of para 2 of Railway Board's letter dated 18.6.1981 from 1.10.1980 on proforma basis and his seniority will also be assigned with effect from the said date. The application is disposed of with the above directions. Parties to bear their own costs."

The case of the applicant is that both O.N.Gautam and Daya Ram yadav were junior to the applicant hence the benefit should be given to the applicant also. We have heard Shri B.N.Singh learned counsel for the applicant and Shri A.V.Srivastava learned counsel appearing for the respondents and perused the material on record.

In counter affidavit resisting the claim of the applicant it has been stated that he alongwith O.N.Gautam and Daya ram yadav ^{the applicant} appeared in written examination for selection as Senior Clerk against Graduate quota. The result of this examination was declared on 23.9.1985. In paragraph 7 of the counter affidavit it has been averred that the position of the applicant Bir Bhadra Prasad in the merit list was much lower to O.N.Gautam and Daya ram Yadav. Name of O.N.Gautam was at Sl.No.37, ^{the} Daya Ram yadav was shown at Sl.No.197, whereas the applicant's name was at Sl.No.233. It has been further stated that as the applicant was lower in merit he was transferred to Moradabad division but he did not go there to join and continued to remain at Allahabad. After some time he was given ^{ad hoc} promotion on ad hoc basis as Senior Clerk against the resultant vacancies and this ad hoc promotion was regularised w.e.f. 1.11.1986.

In reply the applicant has only stated that it is wrong to say that in merit list his name was at sl.no.233. It is claimed that his name was mentioned at sl.no.8. We have examined this question. However, the sl.no.8 assigned to the applicant is amongst those who were transferred for posting in other division. Against the name of the applicant Moradabad division has specifically mentioned. Whereas 43 persons ^{who} had obtained higher merit and ~~they~~ were retained for being posted at Allahabad included the names of Daya Ram Yadav and O.N.Gautam. From the aforesaid facts it is clear that the claim of the applicant is not justified in

:: 3 ::

in any manner. His seniority in initial cadre could not be of any help as an ~~examiner~~ ^{for selection} in graduate quota, he secured lower merit. In the circumstances, the applicant ~~is~~ not ~~found~~ ^{is} entitled for the relief claimed on the basis of the order of this Tribunal. The application has no merit and is accordingly rejected. No order as to costs.

S. B.

MEMBER(A)

R.

VICE CHAIRMAN

Dated: 25.8.2000

Uv/