

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1684 OF 1994  
WEDNESDAY, THIS THE 9TH DAY OF OCTOBER, 2002

HON'BLE MR. S. DAYAL, MEMBER-A  
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

1. Nar Singh Pal  
son of Hari Pal Singh  
aged about 45 years,  
Head Clerk (Personnel Branch)  
Divisional Railway,  
Manager's Office,  
North Eastern Railway,  
Izzatnagar (Bareilly). . . . . Applicants

(By Advocate Shri K.N. Katiyar)

Versus

1. Union of India through General Manager  
North Eastern Railway,  
Gorakhpur.
2. Divisional Railway Manager,  
North Eastern Railway,  
Izzatnagar (Bareilly).
3. Sr. Divisional Personnel Officer,  
North Eastern Railway,  
Izzatnagar (Bareilly). . . . . Respondents

(By Advocate Shri A. Sthalekar)

O R D E R

HON'BLE MR. S. DAYAL, MEMBER-A

This application has been filed for setting aside the order dated 24.8.1993 of General Manager (P) Gorakhpur. A direction is also sought to the respondents to give the benefit of seniority and payment of arrears with effect from 13.03.1984 and 18.02.1984-the dates on which the vacancies occurred.

of the applicants

2. The case /is that they were appointed as Clerk on 13.03.1984 and 18.02.1984 respectively. A selection was conducted through a written examination and Viva-voce for filling the post of Graduate quota vacancies of Senior Clerk and the applicants appeared and applicant no.2 succeeded. The name of applicant no. 1 which was not

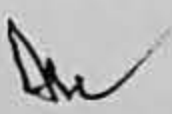


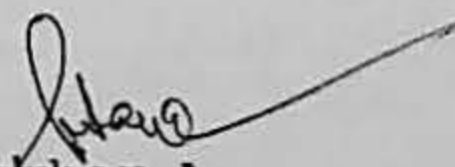
included initially was subsequently allowed to be included by order dated 08.08.1989. The applicants claim that they were promoted as Senior Clerk with effect from 02.09.1986 and are continuing on that post. They, however, claim seniority from the date of occurrence of vacancies for which they had agitated the matter with the respondents.

3. We have heard the arguments of Shri K.N. Katiyar, learned counsel for the applicant and Km. S. Srivastava, brief holder of Shri A. Sthalekar, learned counsel for the respondents.

4. We have considered the claim made by the applicant in the light of the judgement of Apex Court in Anuradha Mukherjee and others versus U.O.I. and others, (1996) SSC (L&S) 1187, in which it has been held that interse seniority of the persons inducted as Senior Clerk from the stream of direct recruitment, Limited Departmental Competitive Examination or promotion will be determined on the basis of principles laid down in paragraph 302 of the India Railway Establishment Manual. Hence the claim of the applicant for granting seniority from the date of vacancy <sup>is</sup> ~~does~~ not consistent <sup>is</sup> with the law laid down by the Apex Court. The O.A. is, therefore, dismissed.

5. There shall be no order as to costs.

  
Member-J

  
Member-A

/Neelam/