

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This the 07th day of December 1999.

Coram:- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 1089 of 1994.

Bachan Lal
son of Thakur Din,
resident of Village Manauri
Distt. Allahabad
working as Helper Khalasi,
C.S.P. Subedarganj,
Distt. Allahabad.

. . . Applicant.

(Through Sri R.P. Singh, Adv.)

Versus

1. Union of India through the General Manager
Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway
Allahabad.
3. Assistant Engineer (SU) Subedarganj Concrete
plant Northern Railway, Allahabad.
4. Inspector of Works, Northern Railway C.S.P.
Subedarganj, Allahabad.

. . . Respondents.

Counsel for the respondents Sri Lalji Sinha, Adv.
and
Sri A. Tripathi, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.))

↓ This application has been filed for setting

aside order dated 9.7.1993 and declaring the applicant as entitled to promotion on the post of Mason from the date of his juniors promoted in the grade of Rs.950-1500 and giving him back wages. Cost of the application has also been prayed for.

2. The case of the applicant is that he was trade tested in the grade of Rs.950-1500 in the trade of Mason and the result of trade test was published on 17.4.90 in which he was placed at Sl. No. 2 in the Waiting list for the post of Mason of grade III out of two persons included in the waiting list for this post. The applicant claims that he has not been appointed on the post of Mason grade III although a number of persons who were junior to him have been appointed in this grade. He mentions the name of ten persons in paragraph 4.8. Since he was not promoted, he approached the Tribunal seeking direction to the respondents to pay the applicant not below the pay of his juniors who had been promoted for the post of Mason ignoring the claim of the applicant in O.A. 430/1990 decided on 2.11.92. It appears in the order of this O.A. that the applicant was sent for trade test as Mason in 1988 and he claims that the result of the Trade test has not been declared. The applicant in the O.A. had failed to give the name of his juniors persons who had been promoted to the Civil group to which the applicant belonged. Therefore, the direction was given in the O.A. to give opportunity to the applicant to appear in the Trade test, and, in case he succeeds, be given promotion like other persons with effect from due date. The respondents

were sent a copy of this order by the applicant and they replied to him by their letter dated 8.7.93 that no junior person in his group had been promoted and that his promotion would be considered on availability of a vacancy.

3. The arguments of Sri R.P. Singh for the applicant and Sri Lalji Sinha for the respondents have been heard. The pleadings on record have been taken into account.

4. It is clear from the applicant's own averments that a trade test was held in 1990 and the applicant was called for the trade test. He had been included in the waiting list at serial No.2 as mentioned earlier. This had occurred before the order in O.A. 430/90 had been passed.

5. The applicant has claimed that persons junior to him had been given grade of Rs.950-1500 and has named those persons. One of those persons Sri Gaya Prasad is included in the panel on the basis of trade test held in 1990 in the category of Hammer man and was thus in different group from the applicant. It is not known as to which group the persons mentioned in para 4.8 of the O.A. belonged. The respondents have denied that persons junior to applicant in the seniority unit had been promoted. It is also mentioned in paragraph 4.8 ^{that they} _{were} in different groups in seniority and had no relevance to the seniority of the applicant.

6. The applicant in para 4.9 has claimed that ^{Mr} Mattoo, Sri Baboo Lal and Sri Jeet Lal were junior to the applicant had been promoted and the

applicant had been superseded. The respondents have contested this averment of the applicant and have stated that Sri Mattoo had worked for 2919 days, Sri Baboo Lal for 2918 days and Sri Bachan Lal, the applicant, for 2588 days. The respondents have mentioned that the applicant will be given opportunity as and when his turn came according to seniority in his group. Although the number of days of work claimed by the applicant is higher. The position given by the respondents has to be taken into account that gives the screened number of days of the applicant for his groupwise seniority.

7. In view of the above facts, the O.A. is dismissed as lacking in merits. No order as to costs.

Zafaruddin
Member (J.)

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Member (A.)

Nafees.