

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 449 OF 1995

TUESDAY, THIS THE 31ST DAY OF DECEMBER, 2002

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN
HON. MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

Ashok Kumar Sharma son of Shri S.P. Sharma,
a/a 35 years, resident of Block no. 6,
Quarter No. 30 EWS, Pritam Nagar, Allahabad.

.....Applicant

(By Advocate:- Shri S.S. Sharma)

Versus

1. Union of India representing Northern Railway notice to be served to The General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Medical Director, Northern Railway, Baroda House, New Delhi.
3. The Chief Medical Superintendent, Northern Railway, Allahabad.
4. The Divisional Railway Manager, Northern Railway, Allahabad.
5. Shri Niranjan Singh, Chief Health and Malaria Inspector, ROZA.
c/o The Chief Medical Superintendent, Northern Railway, Moradabad Division, Moradabad.Respondents.

(By Advocate:- Shri A.K. Shukla)

O R D E R

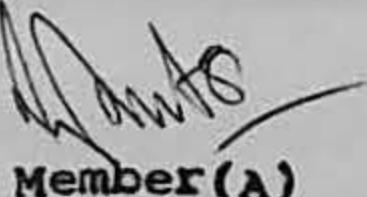
HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

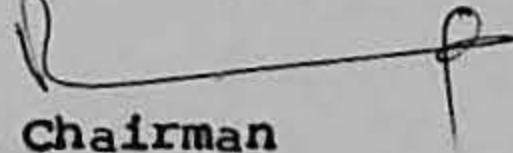
By this O.A. under Section 19 of Administrative Tribunals Act, 1985, the applicant has challenged the impugned panel dated 27-4-1994 (Annexure A-1) by which the applicant alongwith others were selected for promotion for the post of Chief Health & Malaria Inspector in the grade of Rs. 1600-2660(RPS).

2. The grievance of the applicant is that he was senior to one Shri Niranjan Singh, who was shown at Sl. No. 14 in the impugned panel, but he had wrongly

been shown at Sl. No. 15 below Shri Niranjan Singh. He has prayed for a direction to the respondents to correct the panel and restore the actual seniority to the applicant with all consequent benefits.

3. Resisting the claim of the applicant, counter has been filed by the respondents. In para '6' whereof it has been stated that though Shri Niranjan Singh was junior to the applicant as Health Inspector in the grade of Rs. 330-560 (RPS). However, Shri Niranjan Singh was promoted as Senior Health Inspector vide office letter dated 30-4-1987. The applicant was not found suitable for promotion. The applicant was promoted, subsequently, as Senior Health Inspector vide Office letter dated 16-7-1992. This promotion was given to the applicant as per the directions given by the Principal Bench of this Tribunal in O.A No. 131/88. In the circumstances, as Shri Niranjan Singh was promoted earlier, he became senior to the applicant. Thus, there is no error in the impugned panel dated 27-4-1994 and the applicant is not entitled for any relief. The O.A has no merit and is accordingly dismissed with no order as to costs.


Member (A)


Vice Chairman

Girish/