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Central Administrative Tribunal,
Cuttack Bench, Cuttack.

Original Application No. 304 of 1989.

Date of decision: February 23, 1993.

V.Rajeswara Rao and others Petitioners

Versus

Union of India and others Opp. Parties.

For the Petitioners Mr. G.A.R.Dora,
Advocate.

For the Opp. Parties Mr. L.Mohapatra,
Standing Counsel (Railway).

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CORAM:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN

AND

THE HONOURABLE MR.C.S.PANDEY, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? *Ady*
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner (four in number) pray to direct the Respondents to treat the applicants as Skilled Grade III promotees ~~as~~ regular basis and count their seniority in the said Grade with effect from 1st May, 1985 if not earlier.

2. Shortly stated the case of the petitioners is that they joined as Khalasian different dates in different divisions and they were also promoted to Semi skilled Grades on different dates. The Petitioners were transferred to Mancheswar Carriage Repair Workshop on promotion to Skilled Grade III (Carpenter) vide Annexures-A/1 and A/2. In the said order, there was a stipulation that the transfer on promotion to Skilled Grade III and allotment to the Trade to which they belonged was subject to passing of the suitability test. The Petitioners joined Mancheswar Carriage Repair Workshop on 15th April, 1985 and undertook the test which was held on 30th April, 1985. They were all found to be suitable and were promoted as Skilled Artisans Grade III with effect from 1.5.1985 as per the order contained in Annexure 3. The Petitioners claimed Seniority in skilled Grade III post from the date of joining on promotion that is 15th April, 1985. Vide letter dated 28th July, 1987, contained in Annexure 4, the Opposite Party No. 2, stated that the promotion ~~of~~ Grade III be effective with effect from 1st May, 1985 after passing the test on 30th April, 1985. The petitioner not having been regularised, this application has been filed with the aforesaid

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prayer.

3. In their counter, the Opposite Parties maintain that the petitioners have been placed against Sl.Nos.22, 37,41 and 58. There are senior persons over these Petitioners. Regularisation of the services of the petitioners does not arise unless their seniors are regularised. Hence the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. G.A.R.Dora learned counsel appearing for the Petitioner and Mr. L.Mohapatra learned Standing Counsel(Railway) for the Opposite Parties. In this application seniority position has not been challenged. Therefore, the fact remains that the petitioners are placed against Sl.Nos.22,37,41 and 58. There is substantial force in the contention of Mr. L.Mohapatra that unless those who are seniors to the present petitioners having been regularised, the question of regularisation of the present petitioners does not arise. The petitioners are to be regularised after their turn comes according to the seniority position. Therefore, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

G. Mohanty

MEMBER (ADMINISTRATIVE)

leg. a. 23.2.93

VICE CHAIRMAN

Central Admn. Tribunal,
Cuttack Bench, Cuttack.
K.Mohanty/ 23.2.93