

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No. 23 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman  
Hon'ble Mr. B.P. Singh, Administrative Member

S.R. Paul @ Shanti Ranjan Paul, s/o  
Late Gopal Chandra Paul, resident of  
1, Bijoynagar, Naihati - 743165, Dist.  
North 24-Parganas, last employed as  
IOW Gr.I under CE(S&C), 14, Strand Road,  
Calcutta - 700 001

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Applicant

-vs-

1. Union of India, through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Calcutta - 700 001 ;
2. Chief Personnel Officer, Eastern Rly., 17, Netaji Subhas Road, Calcutta-700 001 ;
3. Chief Engineer( S&C), Eastern Railway, 14, Strand Road, Calcutta - 700 001

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Respondents

For applicant : Mr. R.K.C. Thakur, counsel

For respondents: Mr. R.K. De, counsel

Heard on 20.1.2000

Order on : 27-01-2000

O R D E R

S.N. Mallick, VC

This O.A. has been filed by the present petitioner against the official respondents for the following reliefs :-

- (i) The applicant may be declared as promoted to the post of CIOW(Chief Inspection of Works) from 1.11.89 when his Junior A.K. Dutta was so promoted ;
- (ii) As a consequence, his pay is to be stepped up to equalise that of A.K.Dutta from 1.11.1989 ;
- (iii) As a consequence, his retiral dues need be revised and he be paid arrears of salary and retiral dues within a stipulated period to be directed by the Tribunal.

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2. The applicant's case is as follows :-

The petitioner joined the South Eastern Railway as Sub-overseer on 15.5.56. Thereafter, he was transferred to Eastern Railway. Later he was given adhoc promotion to the post of IOW - Gr.III followed by another adhoc promotion to IOW-Gr.II and IOW - Gr.I on adhoc basis. His last promotion to the post of IOW - Gr.I was 1.12.79. His grievance is that one Sri A.K.Dutta along with 8 others holding the post of IOW - Gr.I was given promotion to the post of CIOW w.e.f. 1.11.89, although he was senior to the aforesaid A.K. Dutta. Hence, the present O.A.

3. The application has been contested by the respondent authorities by filing a short reply followed by a supplementary reply as per direction of this Tribunal contained in the order dated 11.11.99.

4. We have heard Mr.R.K.C. Thakur, Ld.Counsel appearing for the applicant and Mr.R.K. De, Ld. Counsel appearing for the respondents.

5. The connected departmental records including the Service Book of the petitioner have been produced before us. It has been contended that the whole application is mis-conceived one. According to the respondents, the applicant was given promotion on adhoc basis to the post of I.O.W - Gr.I w.e.f. 1.12.79 in the Construction Department, which had no connection in regard to the seniority position of the applicant in his parent department. It is also their specific case that the contention of the petitioner that Sri A.K. Dutta and Sri V.N.Upadhyay were junior to him, is not correct. On the other hand, the respondents contend that they are much more senior to the applicant which would be borne out from the relevant seniority list.

6. The only question, which arises in this O.A. is whether the petitioner was senior to Sri A.K. Dutta in the post of IOW-Gr.III because the seniority is to be decided from the basic grade

of I.O.W. - Gr.III. The seniority list of I.O.W. - Gr.III as on 1.4.85 has been annexed to the supplementary reply. The name of Sri A.K. Dutta appears at serial No.41. It appears from there that the said A.K. Dutta was directly appointed as IOW - Gr.III on 8.12.72. The name of the present petitioner appears at serial No.112 of the said seniority list. It is seen from there that the petitioner's name was interpolated in the said seniority list as a promotee and that he was appointed on regular basis in the post of IOW - Gr.III w.e.f. 5.1.73. This seniority list has not been challenged by the petitioner in his O.A. Mr. Thakur also submits that he has nothing to challenge the genuineness of the seniority list attached to the supplementary reply. The aforesaid seniority list clearly shows that the said A.K. Dutta was senior to the petitioner in the basic grade of IOW - Gr.III. Accordingly, there was nothing wrong, as submitted by Mr. Dey in giving promotion to the said Sri A.K. Dutta to the post of CIOW after he has served in the post of IOW - Gr.II & I with effect from 1.11.89.

7. We have gone through the Service Book of the petitioner, which also does not contain any entry to support his case that he was senior to the aforesaid A.K. Dutta, who is, however, not a party to the present proceeding.

8. In view of the aforesaid facts and circumstances of the case and the materials on record, we are of the view that the instant O.A. is devoid of any merit and the same is dismissed without any order as to costs.

*S. N. Mallick*  
( B. P. Singh )  
Member(A)

*S. N. Mallick*  
( S. N. Mallick )  
Vice-Chairman