

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 2.4.97

OA 260/95

Abdul Shakoor, Fitter Grade-I, Electric Shop, Ticket No.1830, Shop No.16, Northern Railway, Jodhpur.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, New Delhi.
2. The Dy.Chief Mechanical Engineer (W), Northern Railway, Jodhpur.
3. The Asstt.Personal Officer, Northern Railway, Jodhpur.
4. Shri Sohan Singh, Ticket No.3483/16, through the Dy.CME(W), Northern Railway, Jodhpur.
5. Shri Pratap Singh, Ticket No.3486/16, through Dy.CME (W), Northern Railway, Jodhpur.
6. Shri Kamaruddin, Ticket No.1465/16 through Dy.CME (W), Northern Railway, Jodhpur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

For the Applicant	... Mr.Kamal Dave
For Respondents No.1 to 3	... Mr.S.S.Vyas
For Respondents No.4 to 6	... None

O R D E RPER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Abdul Shakoor, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for refixation of his seniority taking his date of appointment as 20.2.58 as also for setting aside Ann.A-2 dated 9.6.95, by which after rejecting the representation of the applicant the date of his appointment was changed to 22.6.60 from 22.2.58. A direction has also been sought for calling him for test for the post of Mistry grade Rs.1400-2300.

2. We have heard the learned counsel for the parties and have carefully gone through the records of the case.

3. The basic contention of the applicant is that his actual date of appointment was 20.2.58 and it has now been wrongly shown as 22.6.60, without affording an opportunity of hearing to him or without issuing any show-cause notice to the applicant. The contention on behalf of the applicant is that this change of date of appointment effected in his service record as well as

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other documents is arbitrary and, therefore, it may be struck down and declared that his date of appointment is 22.2.58.

4. We have carefully perused the Service Book of the applicant, wherein his date of appointment was shown as 20.2.58, on the title page of the Service Book, but the same was corrected as 22.6.60 by an order dated 3.6.95. At page 3 of the applicant's Service Book, the first entry therein is regarding his appointment and his date of appointment has been mentioned as 22.6.60 vide appointment letter dated 22.6.60. The applicant himself has not produced any appointment letter in support of his case. The learned counsel for the respondents has drawn our attention to the seniority list of Khalasies in the Electrical Shop, published in February, 1961, at Ann.R-2, wherein the applicant's date of appointment has been indicated as 22.6.60. We have also carefully perused the original of Ann.R-2 on its production before us by the learned counsel for the respondents. The seniority list clearly states that if anybody is aggrieved by the same, he could file a representation to the concerned authority within a period of one month stated therein. Since the applicant's date of appointment in this seniority list was shown as 22.6.60, he should have made a representation to the concerned authority for correcting the same and now he cannot turn round and say that his date of appointment is 22.2.58 and not 22.6.60. It appears that the change on the first page of the applicant's Service Book in regard to the date of appointment was effected in order to bring the same in consonance with the other entries in the Service Book. In the circumstances, we are of the view that there was no necessity of issuing a show-cause notice or affording an opportunity of hearing to the applicant before making the impugned correction on the first page of the applicant's Service Book.

5. We do not find any merit in the contention of the applicant. The OA is, therefore, dismissed at the stage of admission with no order as to costs.

(O.P.SHARMA)

ADMINISTRATIVE MEMBER

VK

GK
(GOPAL KRISHNA)

VICE CHAIRMAN