

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 312/1995
T.A.-No.

199

DATE OF DECISION : 12.05.2000.

Harji Ram Petitioner

Mr. S.K. Malik, Advocate for the Petitioner (s)

Versus

Govt. of India & Ors. Respondent (s)

Mr. S.S. Vyas, Advocate for the Respondent (s)
1 to 3

None is present for Respds. No 4 to 6

CORAM :

The Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *no*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

Gopal Singh
(Gopal Singh)
Adm. Member

B.S. Raikote
(B.S. Raikote)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 12.5.2000.

O.A. No. 312/1995

Harji Ram S/O Shri Kishna Ramji, aged about 45 years
by caste Meghwal (Schedule Caste) R/O 4 K 8 Madhuban
Colony Housing Board, Jodhpur. (Raj)

Presently working as Assistant Superintendant in
Diesel Shade, Bhagat Ki Kothi, Jodhpur. (Raj)

... Applicant

Vs

1. Government of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway
Jodhpur Division, Jodhpur.
3. Divisional Personnel Officer, Northern Railway,
Jodhpur Division, Jodhpur.
4. Shri Kanhya Lal, Office Superintendant, Loco Shade,
Bhagat Ki Kothi, Jodhpur.
5. Shri Narendra Pratap Singh, Office Superintendant,
C/O Loco Foreman, Northern Railway, Merta Road, (Raj)
6. Shri Harihar Singhji, Office Superintendant, C/O Sr.
DME (DSL) Northern Railway, Bhagat Ki Kothi, Jodhpur.

Mr. S.K. Malik, Counsel for the Applicant.

Mr. S.S. Vyas, Counsel for the Respondents 1 to 3

None is present for Respondents No.4 to 6

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the
Administrative Tribunals Act, 1985, applicant, Harji Ram,

Gopal Singh

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has prayed for setting aside the impugned order dated 09.5.1995 (Annexure A/1) and for a direction to the respondents to consider the applicant for promotion to the post of Superintendent in the scale of 2000-3200 with effect from 09.5.95 with all consequential benefits.

2. Applicant's case is that while he was working as Head Clerk with the respondent-Railways, he appeared in the selection test for the post of Assistant Superintendent and was selected and placed on the panel dated 08.8.1988 at Serial No.09 (Annexure A/4). While the first 08 empanelled candidates were promoted as Assistant Superintendent, the applicant was not promoted. In a subsequent selection held on 25.1.1994 under modified selection procedure against restructuring, the applicant alongwith private respondents was empanelled on 28.1.1994 (Annexure R/1) and they were promoted as Asstt. Superintendent vide order dated 16.2.1994 (Annexure A/7). In this panel dated 28.1.1994, all the three private respondents were shown higher in merit list than the applicant and, therefore, they occupied higher position in the seniority list of Assistant Superintendent Cadre. Since these three private respondents were senior to the applicant as Assistant Superintendent, they were promoted as Office Superintendent ^{in the} scale of 2000-3200 vide respondents' order dated 09.5.1995 (Annex.A/1). Contention of the applicant is that since he had passed the selection test for the post of Assistant Superintendent in 1988, and the private respondents passed the selection test in 1994, the applicant should be placed over the private respondents in seniority list of the cadre of Assistant Superintendent in terms of Para 306 of IREM Vol-I, and consequently he should have been promoted as Office Superintendent earlier to private respondents.

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C. P. Singh



3. Notices were issued to the respondents and they have denied the contention of the applicant. It is contended by the respondents that the applicant could not be promoted in 1988 as the percentage reservation for scheduled caste category ~~had~~ exceeding the prescribed percentage of 15 and further that the life of the panel being two years, the panel of 1988 expired in 1990 and, therefore, that panel cannot be considered in the year 1994. Therefore, the applicant cannot be accorded seniority on the basis of 1988 panel.

4. No doubt the Para 306 of REM Vol. I provides that candidates borne on earlier panel would rank senior to the candidates borne on a subsequent panel, but by the time the subsequent panel was prepared in 1994, the earlier panel of 1988, had expired and, therefore, in our view the applicant cannot derive any benefit from the 1988 panel.

5. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

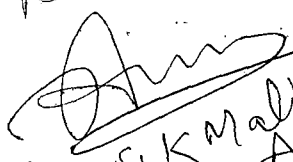
6. The Original Application is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
Adm. Member

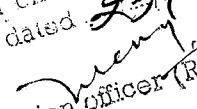

(B.S. RAIKOTE)
Vice Chairman

J



Rec

S. K. Malik
Adu -
17/5/2000

Recd emp
S. K. Malik
17/5/2000

Part II and III destroyed
in my presence on 27.10.06
under the supervision of
Section officer (I) as per
order dated 23.1.06

Section officer (Record)