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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J\_O\_D\_H\_P\_U\_R.

Date of Order : 11.5.2000

O.A. No. 133/95

Manohar Lal Purohit son of Shri Laxminarayan Purohit, by caste Purohit, R/o 350-C 4th 'B' Road Sardarpura, Jodhpur, at present working as Chief Inquiry Cum-Reservation Supervisor, Advance Reservation Office, Northern Railway, Jodhpur.

... Applicant

VS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. Station Manager, Northern Railway, Jodhpur.

Mr. M.R. Singhvi, Counsel for the Applicant.

Mr. R.K. Soni, Counsel for the Respondents.

CERAM :

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, Manohar Lal Purohit, has prayed for setting aside impugned order dated 23.4.1994 (Annexure A/1) and order dated 12.4.1994 (Annex.A/2) and further for a direction to the respondents to promote the applicant in the pay scale of Rs.455-700 with effect from 01.1.1984, and pay him the arrears of pay fixation alongwith interest @ 18 per cent per annum.

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Gopal Singh

2. Undisputed facts of the case are that while the applicant was working as Reservation Clerk with the respondent-Railways, a seniority list of Reservation Clerks was published on 27.9.1984, wherein the applicant's name figured at Serial 526 and on a representation from the applicant, he was assigned seniority at Sl. No.283-A between Jagat Singh (283) and M.N. Saxena (284). Similarly, the seniority position of M.N. Saxena, V.N. Srivastava, R.K. Misra, M.P. Misra and R.K. Lal whose names appeared at Sl. No.284, 285, 286, 287 & 288 were assigned seniority at Sl. No.245-A, 245-B, 245-C, 245-D and 245 (E) and consequently the applicant's seniority came to be fixed between Jagat Singh and R.K. Yadav as under :

Serial No. in seniority list

<u>Old</u>		<u>New</u>		
284	..	245-A	...	M.N. Saxena
285	..	245-B	...	V.N. Srivastava
286	..	245-C	...	R.K. Misra
287	..	245-D	...	M.P. Misra
288	..	245-E	...	R.K. Lal
--	..	---	...	----
--	..	---	...	----
283	..	288	..	Jagat Singh
526/283A..		289	..	M.L. Purohit(applicant)
		290	..	R.K. Yadav

The seniority position of the applicant was rectified in April, 1986 (Annexure A/3). The applicant was promoted vide order dated 29.9.1986 (Annexure A/9) to the scale of 455-700 on purely ad hoc basis against a post transferred from Delhi Division to Jodhpur Division. It is also a fact that none of the juniors to the applicant were given the benefit of restructuring w.e.f. 01.1.1984. Even some of the seniors to the applicant were not given that benefit w.e.f. 01.1.1984 and all

*(Signature)*

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these seniors were given promotion to the scale of 455-700 vide respondents' letter dated 29.9.1986 (Annexure A/9) along-with the applicant. Since the claim of the applicant for promotion to the scale 455-700 w.e.f. 01.1.1984 has been denied vide Annexure A/1 and Annexure A/2, hence this application.

3. The contention of the applicant is that because of the wrong placement of the applicant in the seniority list and wrong computation of vacancies in the Enquiry & Reservation Cadre for upgradation to the scale of 455-700 with effect from 01.1.1984, under restructuring scheme, the applicant was ignored for upgradation to the scale of Rs.455-700 with effect from 01.1.1984.

4. Notices were issued to the respondents and in the reply they have denied the contentions of the applicant.

5. The applicant has contended that the cadre of Enquiry & Reservation Clerks prior to restructuring had 102 posts, of which 30 were occupied by the incumbent and, therefore, 72 posts were vacant whereas the respondents had taken only 08 existing vacancies in their computation for filling up the posts under restructuring scheme. Thus, there were 64 (72-8) more existing vacancies, and had the respondents taken into account 72 as existing vacancies, the applicant would have been covered under the restructuring scheme.

6. The respondents, though mentioned in their reply that of the 102 sanctioned posts 30 posts were occupied by the regular appointees, have stated in reply to the rejoinder by the applicant that 94 posts were occupied by the regular appointees and there were only 08 vacancies. Thus, taking into account 149 posts ~~as~~ available through restructuring

*(Signature)*

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there were 157 posts available to be filled up. Apparently, the earlier statement of the respondents that 30 posts were occupied by regular incumbents was wrong and the same was rectified by the respondents in their reply to the rejoinder. The statement of the respondents in reply to the rejoinder that 94 posts were occupied by regular incumbent has also not been contested by the applicant. Thus, in all 157 (187+64-94) posts were available and the respondents have filled up 151 posts and cases of 06 candidates were kept pending. It is also seen that ~~respondents~~ have promoted persons upto Sl. No.281 of the seniority list while the applicant was placed at Serial No.289 as discussed above and as such he was not within the consideration Zone for promotion to the scale of Rs.455-700 with effect from 01.1.1984 under restructuring scheme.

7. Thus, we do not find any merit in this application and the same deserves to be dismissed.

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

Copy of  
( GOPAL SINGH )

Adm. Member

PK  
( B.S. RAIKOTE )  
Vice Chairman

\*J\*

Copy

Recd.

Part II and III destroy 27-10-06  
in my presence on 27-10-06  
under supervision of  
Section Officer 231 as per  
order dated 23-10-06  
Section Officer (Recd.)

R/ copy

Date 17/5/2006

(for Registration)

Copy of order sent to  
Applicant - Virek

No 1072

dt 22-5-2006

R  
22/5/2006