

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.

O.A. No. : 534/1995

Date of Order : 28.10.1998

1. Parmatma Saran Gupta, aged about 58 years, at present working as Office Superintendent Gr. II, and posted in the office of Station Superintendent, Samdari, District Barmer. (Raj.).
2. Kamal Kapoor S/o Shri Madanlal ji Kapoor aged 42 years, at present working as Office Superintendent, Gr. II, posted in the office of Divisional Railway Manager, Northern Railways, Jodhpur. r/o House No. 53, Shakti Colony, Opp. Loco Shed, Jodhpur.

.. Applicants.

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur,
3. Divisional Personnel Officer, Northern Railway, Jodhpur.
4. Chandra Pal S/o Shri Name Singh at present working as Officer Superintendent, posted in the office of Divisional Railway Manager, (Operating Branch), Northern Railway, Jodhpur.

.. Respondents.

None is present for the applicant.

Mr. R.K. Soni, counsel for respondents No. 1 to 3.

Mr. S.K. Malik, Counsel for respondent No.4.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA :

Applicants Parmatama Saran Gupta and kamal Kapoor have filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for declaration that the applicants are senior to the respondent No. 4 in the cadre of Office Superintendent grade II. They have also claimed that the respondents be restrained from filling in the ensuing vacancy from amongst SC/ST candidates and sought a direction to consider their candidature for promotion as Office Superintendent grade I.

2. None is present for the applicants even in the second round. Applicants were not present on the earlier several dates of hearing. We have heard the learned counsel for the official respondents and the learned counsel for respondent No. 4. We have carefully gone through the records of the case.

..contd.

3. Both the applicants are claiming seniority over respondent No. 4. The cadre of Office Superintendent grade I in the pay scale of Rs. 2000-3200 (RPS) of the operating branch is 3. The post of Office Superintendent grade I in the pay scale of Rs. 2000-3200 (RPS) is to be filled up on seniority cum suitability basis from the category of Office Superintendent grade II in the pay scale of Rs. 1600-2660 (RPS). Since the respondent No. 4 who belongs to SC category was the senior most Office Superintendent grade II in the pay scale of Rs. 1600-2660 (RPS) as per his entry into the grade of Rs. 1600-2660 (RPS) prior to the applicants, the respondent No. 4 was eligible for promotion to the post of Office Superintendent grade I in the scale of Rs. 2000-3200 before the applicants. Respondent No. 4, Chandra Pal, was promoted from the post of Head Clerk in the scale of Rs. 1400-2300 to that of Office Superintendent II on 01.3.1993 whereas the applicants were promoted to the said post on 19.7.1994. Since the respondents NO. 4 had entered the grade of Rs. 1600-2660 on 01.3.1993 as Office Superintendent II and earlier than the applicants, his seniority over the applicants as Office Superintendent II can not be disturbed. The respondent No. 4 was promoted to the Office Superintendent grade II on 01.3.1993 <sup>and</sup> before the cut off date i.e. 10.2.1995, as such the seniority of the respondent No. 4 as Office Superintendent - II cannot be disturbed in view of the decisions rendered by Hon'ble the Apex Court.

4. In view of the facts stated above, we do not find any merits in this application. The application is, therefore, dismissed. No order as to costs.

*Gopal Singh*  
(GOPAL SINGH)

ADM. MEMBER

*Gopal Krishna*  
(GOPAL KRISHNA)  
VICE CHAIRMAN.