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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 06.10.2000.

O.A. No. 271/1997

Khajan Singh S/O Late Shri Sanwar Lal, aged about 59 years
R/O Naya Bas, Mahamandir, Jodhpur-Retired C.T.I. from office
of the D.C.T.I, Northern Railway, Jodhpur.

... Applicant

Vs

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

... Respondents

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

Mr. S.S. Vyas, Counsel for the Respondents.

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 Khajan Singh,
has prayed for quashing the impugned order dated 08.1.'97
(Annexure A/1) and order dated 10.6.'97 (Annexure A/2) and
for a direction to the respondents to regularize promotion
of the applicant on the post of CTI grade Rs.2000-3200 w.e.f.
01.1.'84 with all consequential benefits.

Gopal Singh

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2. Facts leading to controversy in this case are that the applicant was initially appointed as Ticket Collector grade Rs.110-180 on 09.9.'59 on Bikaner Division of Northern Railway. The applicant was promoted to officiate as Conductor scale Rs.425-640 purely on ad hoc basis and temporary local arrangement vide respondents letter dated 28.10.'75. The applicant was reverted on 19.11.'75 and in his place one S.N. Kapoor (senior to the applicant) was promoted as conductor. S.N. Kapoor had qualified in P6A course and had also opted for the post of conductor. Further, one Devi Ram Pipal a SC candidate and senior to the applicant was promoted to the post of TTI scale Rs.425-640 on ad hoc basis against a point reserved for ST Category vide respondents' order dated 4.3.76 (Annexure R/4). The applicant was promoted to officiate at TTI scale Rs.425-640 purely on local temporary arrangement basis vide letter dated 10.11.'78 (Annexure R/5) and was regularized as TTI vide letter dated 27.9.'82 (Annexure R/6). Whereas S/Shri K.C. Soni, Piara Singh and S.P. Sahni were regularly promoted as such w.e.f. 13.11.'79, 29.4.'82 and 1.1.'82 respectively. The applicant has been given promotion to the scale Rs.550-750/Rs.1600-2660 w.e.f. 1.1.'84 vide order dated 1.2.'96 (Annexure A/5) and further to the scale of Rs.2000-3200 w.e.f. 1.3.'93 vide letter dated 29.8.'1996 (Annexure A/9).

3. Applicant's contention is (i) that S.N. Kapoor had not given any option for promotion to the post of conductor and as such he should not have been appointed as such by reverting the applicant, (ii) Similarly Devi Ram Pipal had not opted TTI promotion and the applicant being senior most SC candidate should have been promoted as TTI against the ST point and (iii) Applicant was senior to K.C. Soni, Piara Singh

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and S.P. Sahni as TTI and, therefore, he should have been promoted earlier to them to the scale of Rs.1600-2660 and Rs.2000-3200.

4. In the counter, the respondents have denied the application.

5. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

6. It is seen from record that S.N. Kapoor had opted for promotion to the post of Conductor vide Annexure R/3. S.N. Kapoor was undoubtedly senior to the applicant and had also passed the P-6A course required for appointment to the post of Conductor. This, we do not find any illegality in respondents' action in reverting the applicant and appointing S.N. Kapoor in his place. Thus, the contention of the applicant in this regard is rejected. In regard to promotion as TTI against ST point, the applicant has himself stated in his representation dated 15.11.'94 (Annexure A/3) that Devi Ram Pipal is senior to the applicant. It is also seen from Annexure R/4 dated 4.3.'76 that Devi Ram Pipal has opted for TTI. Thus, appointing Devi Ram Pipal against the ST point cannot be faulted. Finally applicant has contended that he is senior to K.C. Soni, Piara Singh and S.P. Sahni. The applicant has not produced any seniority list to substantiate his claim in this regard. As has been mentioned in para 2 above that the applicant was promoted as TTI on ad hoc basis w.e.f. 11.10.'78 and was given regular promotion w.e.f. 27.9.'82 on qualifying the selection whereas K.C. Soni, Piara Singh and S.P. Sahni were regularly promoted w.e.f. 13.11.79, 29.4.82 and 1.11.'82 respectively. Here the applicant is counting his seniority since 11.10.'78, the date on which he was promoted on ad hoc basis. Since the applicant was regularly appointed w.e.f. 27.9.'82 on qualifying the selection, he



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cannot be permitted to count the ad hoc service for the purpose of seniority. Moreover, the applicant has not produced any seniority list to establish his claim in this regard. In this view of the matter, contention of the applicant that he is senior to K.C. Soni, Piara Singh and S.P. Sahni cannot be accepted. Further, the applicant accepted promotion to the scale of Rs.1600-2600 and Rs.2000-3200 vide Annexure A/5 and A/9 without any protest and he has not challenged these orders of promotion.

7. In the light of above discussion, we are of the view that the application is devoid of any merit and deserves to be dismissed.

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



Gopal Singh
(GOPAL SINGH)
Adm. Member

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

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