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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
JODHPUR

Date of Decision: 28.2.2002

OA 192/98

M.A. Alam, Junior Engineer-I in the office of Senior  
Section Engineer, Jaisalmer, at Rai-ka-Bag, Jodhpur.

... Applicant

V/s

1. Union of India through General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Divisional Rly Manager, Northern Railway,  
Jodhpur Division, Jodhpur.
3. Shri Brij Mohan Sharma, Senior section  
Engineer (C), Northern Railway, Jodhpur.

... Respondents

CORAM:

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant

... Mr.J.K.Mishra, Advocate,  
brief holder for  
Mr.B.Khan

For Respondents No.1&2

... Mr.S.S.Vyas

For Respondent No.3

... None

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

The applicant was initially appointed as Sub  
Overseer Mistry (SOM) on 3.8.62 in the Kota Division  
of Western Railway. Likewise, respondent No.3, Shri  
Brij Mohan Sharma, and another one Shri Brahma Nand  
Sharma were also appointed in Kota Division of

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Western Railway as SOMs. Admittedly, S/Shri Brij Mohan Sharma and Brahma Nand Sharma were both junior to the applicant in Kota Division as SOMs. On being rendered surplus, they were transferred to Northern Railway. While the applicant was assigned his lien, on transfer to Northern Railway, in Ferozpur Division, Shri Brij Mohan Sharma and Shri Brahma Nand Sharma were given lien on Moradabad Division. However, all the x three persons were posted at Jodhpur in the Construction Unit while maintaining their lien in Moradabad and Ferozpur Divisions, as stated above. On 7.3.80, the applicant was promoted as IOW Grade-III, on ad hoc basis, while working at Jodhpur. The applicant, as per his own admission, submitted a representation to the concerned authority for fixing his lien in Jodhpur Division and for permitting him to the next grade at par with his junior. Since he did not get any response, he filed OA 9/97 before this Tribunal which came to be disposed of vide order dated 22.1.97 with a direction to respondent No.1 i.e. General Manager, Northern Railway, to decide his representation on merits. Applicant's representation was decided by the General Manager and communicated vide order dated 30.7.97 (Ann.A/7), whereby his lien was fixed in Jodhpur Division right from the date he reported on Northern Railway i.e. 15.5.78. The applicant was subjected to a selection for the post of IOW Grade-III (now



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designated as Junior Engineer-II) and was regularised on the post of Junior Engineer-II w.e.f. 16.9.97. He was further promoted to the post of Junior Engineer-I in scale Rs.5500-9000 vide order dated 17.12.97. Vide order dated 14.7.98 (Ann.A/3) he was ordered to be reverted on the plea that he was <sup>the</sup> ~~a~~ juniormost person and one Shri Lal Chand Meena, senior to the applicant, had come back from the Construction Organisation to the Division and had to be accommodated as Junior Engineer-II. Being aggrieved with this order, this OA was filed by the applicant seeking directions to the respondents to assign him seniority above respondent No.3 on the post of IOW Grade-III and also to declare the order of reversion as illegal. The applicant has since retired from service on superannuation.

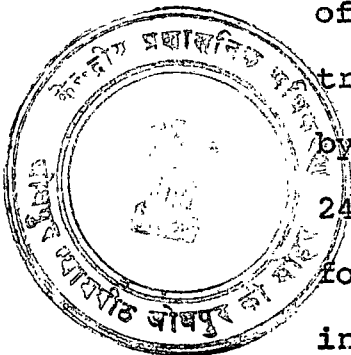


2. Heard the learned counsel for the parties at length and also perused the entire record.

3. Undoubtedly, the applicant was senior as SOM to respondent No.3 and Brahma Nand Sharma while in Kota Division of Western Railway. On transfer to Northern Railway, they all got posted at Jodhpur in Construction Organisation. However, lien of the applicant was fixed in Ferozpur Division, whereas that of Brij Mohan Sharma and Brahma Nand Sharma at Moradabad Division. Consequent to direction in OA 9/97, lien of the

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applicant got changed from Ferozpur Division to Jodhpur Division with effect from the date he joined on Northern Railway i.e. 15.5.78. In this background it is clear that further advancement of the applicant respondent No.3 was to be determined with reference to the seniority assigned to them in their respective divisions. Each division is an independent entity and the seniority of the Group-C staff in these grades ~~is~~ is maintained division-wise. Respondent No.3 came to be promoted as IOW Grade-III in Moradabad ~~Division~~ Division on regular basis on 4.8.81 and Brahma Nand Sharma got promoted to that grade in Moradabad Division on 11.10.84 after due process of selection. On their request, the lien of Brij Mohan Sharma and Brahma Nand Sharma was transferred to Jodhpur on the post of IOW Grade-III by assigning bottom seniority vide order dated 24.2.87. This means that w.e.f. 24.2.87 they found a place in the seniority of IOW Grade-III in Jodhpur Division with their date of appointment as 24.2.87. Till this time the applicant was holding the post of IOW Grade-III only on ad hoc basis having been promoted in the Construction Organisation on 7.3.80. The applicant was promoted as IOW Grade-III after due process of selection only on 16.9.97. By this time, respondent No.3 had got two further promotions i.e. to ~~the~~ the post of IOW Grade-II w.e.f. 20.5.88 and IOW Grade-I w.e.f. 23.5.94. Similarly, Brahma Nand

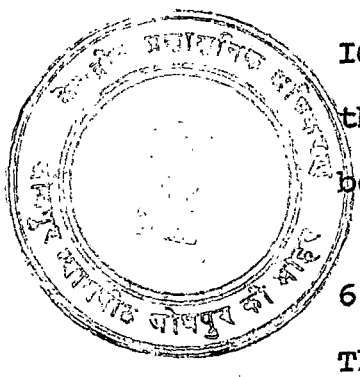


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Sharma was promoted as IOW Grade-IV in 1991 and retired from that post in the year 1994.

4. This fact make<sup>s</sup> it clear that the applicant came to be appointed to the post of IOW Grade-III only in September, 1997, by which time respondent No.3 was already working as Section Engineer i.e. two grades above.

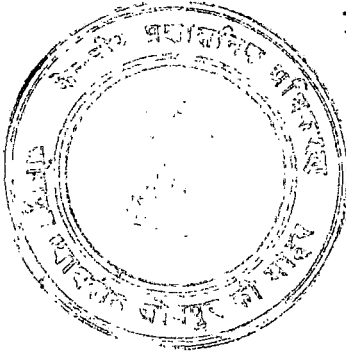
5. Learned counsel for the applicant vehemently argued that the seniority assigned to the applicant vis-a-vis respondent No.3 was not correct as in the year 1987 when lien of respondent No.3 was transferred from Moradabad Division to Jodhpur Division, the applicant was already officiating as IOW Grade-III. Thus, the learned counsel contended that respondent No.3 should have been placed below the applicant.



6. We do not find any merit in this argument. The admitted position is that the applicant was promoted to the post of IOW Grade-III on regular basis only in September, 1997, whereas respondent No.3 had already been promoted as IOW Grade-III on regular basis in Moradabad Division in 1984 and came to be transferred on his own request to Jodhpur Division in 1987. The position which emerges on Jodhpur Division is that while the applicant became IOW ~~Grade-III~~ Grade-III only in

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September, 1997, respondent No.3 by then had already been holding the post of Section Engineer i.e. two ~~xx~~ grades above, right from 1994 onwards. There is no ground for the applicant to feel aggrieved as his case is not that any of his juniors on Jodhpur Division have stolen a march over him. Respondent No.3, though was junior to the applicant as SOM on Western Railway, but his position on Northern Railway is totally different. It has to be determined with respect to the seniority assigned to the applicant and respondents on Northern Railway. Respondent No.3 by virtue of his ~~x~~ seniority on Moradabad Division came to be promoted as IOW Grade-III in 1981, whereas the applicant could get promoted in that grade on Jodhpur Division only in 1997. The applicant, on his own ~~xx~~ volition, chose to have his lien ~~fixed~~ fixed on Jodhpur Division and as per his seniority in Jodhpur Division his turn for promotion to IOW Grade-III came only in September, 1997. Thus, there is no merit in his claim and this application is liable to be rejected.



7. We, therefore, dismiss this OA but with no order as to costs.

  
(A.P. NAGRATH)  
MEMBER (A)

  
(JUSTICE O.P. GARG)  
VICE CHAIRMAN

7/15/02  
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R/COPY  
on 4/13

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Part II and III destroyed

In my presence on 3.7.02

under the supervision of

section officer ( ) as per

order dated 14/15/02

Section officer (Record)