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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of Order : 12.04.2002.

O.A.NO. 264/2001

Laxminarain s/o Shri Lokman aged about 57 years, resident of RPF Ground Qtr. No. 400-J, Abu Road, at present employed on the post of M.C.M. in the office of Diesel Shed Abu Road, Western Railway.

.....Applicant.

VERSUS



1. Union of India through General Manager, Western Railway, Churchgate, Mumbai

2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.

.....Respondents.

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Mr. B.Khan, Advocate, present for the applicant.
Mr. Kamal Dave, Advocate, present for the respondents.

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CORAM :

Hon'ble Mr. Justice O.P.Garg, Vice Chairman
Hon'ble Mr. Gopal Singh, Administrative Member

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PER MR.GOPAL SINGH :

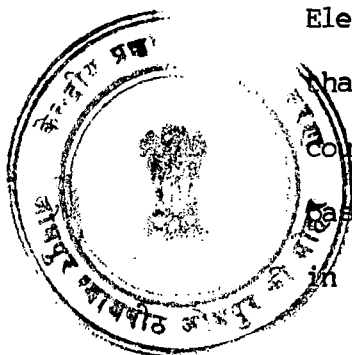
In this application under section 19 of the Administrative Tribunals Act, 1985, applicant, Laxminarain, has prayed for quashing the impugned order dated 8.8.2001 (Annex.A/1), with all consequential benefits.

2. Applicant's case is that he was initially appointed on the post of Khalasi on 19.12.1969 in the Diesel Shed, Abu Road, Western Railway. While the applicant was functioning as Electric Fitter Grade

Gopal Singh

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I, his case was considered for promotion to the post of Master Craftsman (MCM) in the scale Rs. 1400-2300 / 5000-8000. He passed the requisite trade test and was promoted to the post of MCM vide letter dated 31.7.1997. The respondents vide their order dated 27.11.2000 informed the applicant that his seniority has been revised. The applicant challenged this revision in seniority before this Tribunal in O.A. No. 18 of 2001. Because of change in the seniority, the applicant's name was ordered to be deleted from the panel of MCM and he was also ordered to be reverted from the post of MCM to the post of Electric Fitter scale Rs. 4500-7000. Contention of the applicant is that change of seniority of the applicant vis-a-vis Shri Dashrath Lal, could not have any effect on his promotion to the post of MCM since he passed the requisite test and Shri Dashrath Lal was not found suitable in the same. Hence, this application.



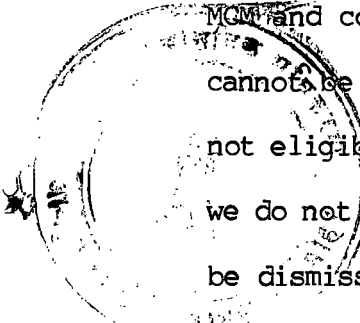
3. In the counter, it has been stated by the respondents that the impugned order dated 8.8.2001 (Annex.A/1), has been issued after following the principles of natural justice. The applicant passed the selection on account of wrong assignment of seniority. He was not even eligible to appear for the post of MCM. It has, therefore, been urged by the respondents that the Application is devoid of any merit and is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused record of the case carefully.

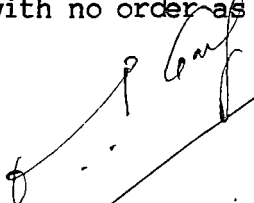
5. The applicant has filed an another O.A. No. 18/2001 challenging revision of his seniority. This O.A. has been decided today holding that the applicant was not entitled to seniority over Shri Dashrath Lal (Respondent No.3) and, therefore, the said O.A. has been dismissed. The present O.A. has been filed by the applicant assuming his seniority over Shri Dashrath Lal. It has also been pointed out by the respondents that as far as his correct seniority, he

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is not eligible for appearing in the selection test for the post of MCM. Since the O.A. 18/2001 filed by the applicant challenging the seniority has been dismissed and he continued to be junior to respondent No. 3 (Dashrath Lal), removal of his name from the panel of MCM and consequent reversion to the post of Electric Fitter Grade II, cannot be faulted with, because as per his seniority position, he was not eligible to appear in the selection test. In these circumstances, we do not find any merit in this application and the same is liable to be dismissed. The O.A. is accordingly dismissed with no order as to costs.




(Gopal Singh)
Adm. Member


(Justice O.P. Garg)
Vice Chairman

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Part II and III destroyed
in my presence on 11-7-07
under the supervision of
section officer as per
order dated 14/8/07

Section officer (Record)

RLCOB
only
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Recd
16/10/07