

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW

ORIGINAL APPLICATION NO. 1401/92
this the 15th day of January, 2001
HON'BLE MR. D.C. VERMA, JM
HON'BLE MR. A.K. MISRA, AM

Prajesh Kumar Tripathi s/o R.A. Tripathi, r/o 43-A, Type
III, Railway Colony, Dhobighat, Alambagh, Lucknow.

By Advocate: NoneApplicant

Versus

Union of India through its Chief Works Manager,
Northern Railway, Locomotive workshop, Charbagh,
Lucknow.

2, Shri R.A. Verma, Charge Man 'A', Disel
Electrical, ELPOH, Charbagh, lucknow.

.....Respondents

By advocate: Sri S. Verma.

ORDER

A.K. MISRA, MEMBER (A)

The applicant to this O.A. has prayed that direction be issued to respondent No. 1 for keeping the applicant in the trade of Disel Electrical in accordance with S.O.No. 231 dated 27.4.91 and to promote him accordingly. A further prayer is for fixing the seniority of the applicant as Chargeman 'A' in Disel Electrical above Sri R.A. Verma. It has also been prayed that respondents be directed to pay and sanction the arrears of the salary from the date the applicant was entitled to the post of Chargeman 'A' in Disel electrical. Lastly it has been prayed that the order dated 30.7.92 passed by the respondent No. 1 be quashed and fresh option be taken from the applicant.


2. Pleadings on record have been perused and learned counsel for the respondent, has been heard. No body appeared on behalf of the applicant on the date of hearing. It may also be mentioned that no RA has been filed by the applicant in this case.



3. The applicant was initially promoted as Chargeman 'B' on 30.6.86 in the pay scale of Rs. 1400-2300 in Electric Loco Periodical Overhauling Shop (hereinafter referred to ELPOH). Option for allotment of trades was called for by respondent No.1 and the applicant opted for diesel Loco Electrical on 6.7.90 (Annexure No. 1 to the OA). The option of the applicant was accepted by respondent No. 1 as per S.O. No. 231 dated 27.4.91 showing the allotment of trades to various officials in which the applicant is shown to have been allotted Diesel Electrical (Annexure No. 2). According to the applicant, the seniority in various trades such as Diesel Electrical, Electrical, Mechanical etc. is separate and different. The applicant is stated to have been shown on the top of the seniority list of chargeman in the Diesel Electrical trade as published on 21.5.91. It is stated that one Sri R.A. Verma who was appointed as Chargeman 'B' on 20.11.87 and was junior to the applicant was promoted as Chargeman 'A' on 20.7.90. Since Sri R.A. Verma was promoted as Chargeman 'A' prior to the promotion of the applicant, the applicant claims that his seniority should be fixed above Sri R.A. Verma. In this regard representation dated 1.4.92, 21.4.92 and 22.4.92 was also made by the applicant. By S.O. No. 435 dated 30.7.92, the respondent No. 1 superseded the earlier S.O.No. 231 of 27.4.91 and allotted to the applicant, the trade of ELPOH electrical as against the trade of diesel electric allotted to him initially on 27.4.91. As a result of the change ⁱⁿ ~~of~~ trade allotment, the applicant was superseded by 4 other persons who were promoted as Chargeman 'A', despite the fact that they were appointed as Chargeman 'B', subsequent to the applicant. The applicant thus lost his chances of promotion on account of change in trade by SO No. 435 of 30.7.92. The representations made by the applicant did

not yield any result. The grievance of the applicant therefore is that he has lost his promotion to the post of chargeman 'A' on account of change of trade from Diesel electrical to electrical by S.O.No. 435 dated 30.7.92.

4. According to the respondents Sri R.A. Verma who has been impleaded as respondent No. 2 was already working as chargeman A, Diesel electrical (ELPOH) in the grade of Rs. 1600-2660 on the date of finalisation of trade and seniority of the applicant. The applicant is stated to have been working as ELPOH in a different trade. Since Sri R.A. Verma was already working as chargeman 'A', the allotment of trade was not necessary in his case. According to the respondents, the applicant was assigned seniority as on 21.5.91 whereas Sri R.A. Verma who was already working as chargeman A since 20.7.90 was assigned seniority as on that date. According to the respondents vide Staff Order No. 435 of 30.7.92, the applicant has been allotted the trade of ELPHO/Electrical instead of Diesel Electric which has a separate channel of promotion and accordingly the claim of the applicant vis-a-vis Sri R.A. Verma who had been allotted a different trade cannot be considered. As regards 4 other persons who were junior to the applicant and were stated to have been promoted as chargeman 'A' prior to the promotion of the applicant, it has been submitted that they were allotted different trades having separate xxxxxxxxxx and different avenues of promotion and therefore, no parity can be drawn between the applicant and the 4 persons who are alleged to be junior to the applicant but promoted as chargeman 'A' prior to the applicant. Further it is stated by the respondents that the representations of the applicant were duly considered and were replied to separately by letter



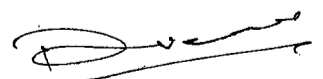
No.341-E/M/ELEC/POH dated 30.9.92.

5. On the basis of the factual discussion made above, we are of the considered view that the O.A. has no merit. It is no doubt true that by S.O. No. 231 of 27.4.91, the applicant was allotted the trade of Diesel Electric on the basis of the option given by him on 6.7.90. It is however seen that by S.O. No. 435 of 10.7.92, the earlier S.O. of 27.4.91 was superseded and all the persons to whom the trade of diesel electric was allotted by S.O. of 27.4.91 were shifted to the trade of POH electrical by the subsequent S.O. of 30.7.92. Since all those persons who had been allotted the trade of Diesel Electric by order dated 27.4.91 had been reallocated the trade of POH Electrical by a subsequent order of 30.7.92, the applicant was also allotted the trade of ELPOH, Electric by subsequent order of 30.7.92. That being the position, the applicant cannot claim seniority and promotion on the basis of parity with those who had been allotted a different trade for the simple reason, that seniority in each trade is determined separately and the avenues of promotion in each trade are based on the seniority of that particular trade. Besides the letter/ order of respondents dated 30.9.92 whereby the representations of the Applicant were rejected has not been challenged by the Applicant.

6. In the light of the foregoing discussion, we hold that the O.A. being without merit ~~and~~ deserves to be dismissed.

7. In the result, O.A. is dismissed without any order as to costs.


MEMBER (A)


MEMBER (J)

Lucknow: Dated: 15th Jan. 2001

HLS/-