

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

ORIGINAL APPLICATION NO. 564 of 1992

this the 25th day of April'2000

HON'BLE MR D.C. VERMA MEMBER(J)
HON'BLE MR A.K. MISRA MEMBER(A)

A.P. Misra,, S/o if Sri Seo Kumar, aged about 56 years, R/o
Bungla Bazar, Lucknow, working as Junior Technical Asstt.
under Senior Electrical Engineer, Northern Railway, Divisional
Office, Hazratganj, Lucknow.

Applicant

By Advocate : None

Versus.

Union of India through General Manager, Northern Railway,
Headquarters Office, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Hazratganj,
Lucknow.

3. Sri Seo Kumar, Electrical Chargeman (Air Condition),
through the Divisional Railway Manager, Northern Railway,
Lucknow.

... Respondents

By Advocate : Sri A.K. Chaturvedi

ORDER (O R A L)

D.C. VERMA, MEMBER(J)

The applicant- A.P. Misra has, by this O.A., claimed
that his name be interpolated in the panel of Electrical
Chargeman in the scale of Rs. 1400-2300/- (pre-revised) on
the basis of his seniority, and the panel dated 1.5.91 be
amended accordingly.

2. Brief facts of the case are that the applicant was
working as Electrical Wireman under the respondent no. 2..
The respondent no.3; ~~whereas the respondent no.3~~ who belongs

to different category, was working as Pump Fitter. The post of Electrical Chargeman is a selection post which is to be filled-up after written examination and viva voce test. The Electrical Wireman and Pump Fitter alongwith some other category are eligible to fill-up the post of Electrical Chargeman. The applicant and the respondent no.3 both appeared in the written examination for the post of Electrical Chargeman. The applicant could not succeed in the written examination; whereas the respondent no.3 cleared the written test. Consequently, the respondent no.3 was called for viva voce test and was finally selected and empaneled as per notice dated 1.5.91 (Annexure-1 to the O.A.)-

3. The applicant's claim is that he was senior to respondent no.3. Therefore, his name should be included in the panel and interpolated above the name of the respondent no.3.

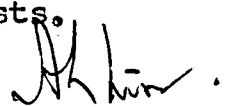
4. The respondents' case is that the post of Electrical Chargeman in the grade of Rs. 1400-2300/- (pre-revised) is a selection post. As the applicant failed in the written examination, the applicant was not called-for viva voce test. Consequently, the applicant has not been selected as Electrical Chargeman. The applicant and the respondent no.3 belong two different category, ^{As} and ^{an} integrated seniority list ^{is} was prepared ^{of} all the persons who were declared successfully in the written examination ^{and} ^{for} the ^{purpose} of viva voce test. As the applicant had not cleared the written examination, his name was not included in the list who were became eligible for ~~viva~~ viva voce test. Thus, the applicant's case that his name be included in the panel and be interpolated above the name of the respondent no.3, has no merit. We find that though the Counter affidavit was served and filed in 1994, the recitals made in the Counter has not been challenged or denied by the applicant by filing Rejoinder. Thus, the recitals made in the Counter ~~is~~ remain uncontroverted.

5. The learned counsel for the respondents has submitted that though the applicant could not be promoted as Electrical

Chargeman, he has been promoted on adhoc basis as Junior Technical Asstt. in the grade of Rs. 1400-2300/- since 27.4.88 This however, does not effect the seniority of the respondent no.3, who was selected for the post of Electrical Chargeman.

6. In view of the above, the O.A. has no merit and the same is, therefore, liable to be dismissed and is dismissed.

No costs.


MEMBER(A)

LUCKNOW: DATED: 25.4.2000

GIRISH/-


MEMBER(J)