

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 426 of 1991

this the 16th day of May '2000.

HON'BLE MR D.V.R.S.G. DATTATREYULU, MEMBER (J)
HON'BLE MR S. MANICKAVASAGAM, MEMBER (A)

Muhammad Khan

2. Rajiv Dwivedi
3. M. William
4. Harjinder Singh
5. Kamla Kant

... Applicants

Versus

Union of India through the Secretary to Government, Ministry
of Railways, New Delhi.

2. Railway Board through the General Manager, New Delhi,
3. Divisional Railway Manager, Northern Railway, Lucknow.
4. Sr. Divisional Personnel Officer, N.Ely, Lucknow.

... Respondents

None : Advocate for the Applicant

None : Advocate for the Respondents

ORDER

D.V.R.S.G. DATTATREYULU, MEMBER (J)

The applicants have prayed in this application to issue directions to the respondents to prepare a seniority list properly as his juniors were promoted earlier to him.

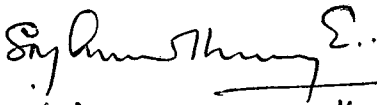
2. According to the applicants, the applicants were appointed as Cleaners. They ought to have been promoted to class IV cadre under 25% quota. They have given the serial numbers as Cleaners. It is their case that those who had joined, after the joining of the applicants, were promoted to the next higher grade, hence this application.

2


3. In the Reply filed by the respondents, it is stated that the applicants were appointed as casual labourers in the Loco Motive Shed to work on day-to-day basis, on the selection that was conducted in the year 1983. The applicants figured at sl. no.s 23, 45, 21 & 17 respectively in the seniority list. The question of being taken to Group 'D' will arise only on the position of the vacancy that will come. The applicants were screened by the screening committee and they were considered for their absorption against the vacancies for Mechanical 'D' posts and their serial numbers are 18, 30, 32, 23 & 25. In the said list this was arranged on the basis of their working days and they will be appointed as and when the vacancy arise. The question of fixing seniority does not arise now.
4. The applicants have filed Rejoinder denying the various allegations made in the Counter. The respondents have also filed Supplementary Counter to the Rejoinder filed by the applicants.
5. No representation for both sides. We have considered the matter available on record as this is a matter of 1991.
6. The point for consideration is whether the question of any seniority has to be considered or not ?
7. According to the contention of the applicants, they were appointed as cleaners, but some of the cleaners who were appointed subsequent to the applicants, were promoted to Group 'D' posts. It is denied by the respondents. The respondents in fact filed a Supplementary Reply giving the names of the persons stating that there is nothing effecting the seniority of the applicants. It is also their case that as per the availability of the vacancies, the applicants were being considered and they are being appointed ^{when} on the movement of vacancy comes. The applicants are not able to show that in any way there is any illegality in the appointments so far. The

11

applicants are at liberty to approach this Tribunal when the consolidated seniority list is prepared for Group 'D' post, if they are effected by the order given in the seniority. At present, there are no merit in the application and the same is accordingly dismissed. No costs.


MEMBER (A) 16/5/2007

LUCKNOW:DATED:
GIRISH/-


MEMBER (J)