

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 259 of 1992.

this the 20th day of February'2001.

HON'BLE MR RAFIQ UDDIN, MEMBER(J)

HON'BLE MR.M.P. SINGH, MEMBER(A)

Subodh Chandra Chaturvedi, Deputy Shop Supdt. (Mech.) Loco Workshop, Northern Railway, Charbagh, Lucknow.

2. Khawaja Mohammad Khalid, Chargeman Grade-'B' (Mech), Loco Workshop, Northern Railway, Charbagh, Lucknow.

Applicants.

By Advocate: Sri R.B. Pandey.

Versus.

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

2. The General Manager, Northern Railway, Rail Bhawan, New Delhi.

3. The Chief Works Manager, Loco Workshop, Northern Railway, Charbagh, Lucknow.

Respondents.

By Advocate: Sri Anil Srivastava.

ORDER (O R A L)

RAFIQ UDDIN, MEMBER(J)

The applicants have approached this Tribunal seeking directions to the respondents to implement the seniority list dated 21.5.1991, which has been annexed as Annexed 6 to the O.A. for the purposes of promotions on the posts of Chargeman Grade-A, Deputy Shop Superintendent, Shop Superintendent and other other higher posts and also to consider the applicants for such promotion w.e.f. the date persons junior to them have been given such promotions and also for payment of arrears of salary and other benefits.

2. Since the relief on behalf of the applicant no.2 namely Khawaja Mohd. Khalid has not been pressed, we have not considered the case of the applicant no.2.

3. The case of the applicant no.1 namely Subodh Chandra Chaturvedi is that he was working in the Loco Workshop, Northern Railway, Lucknow on the post of Deputy Shop Supdt. According to the applicant, in the month of October'85 a new department namely Loco Periodic Overhauling Department (in short POH) was opened in Loco Workshop of Northern Railway, Lucknow. It is further stated that upon creation of the aforesaid new department, the posts of Shop Superintendent, Deputy Shop Supdt., Chargeman Grade-'A' and Charge Grade'B' were to be filled-up through transfer of staff from other sheds and trades of Charbagh Workshop. The aforesaid appointments in the POH were to be made after due selection conducted by the concerned authorities. But it was decided by the railway administration that the supervisory staff was to be promoted in the new department and accordingly vide letter dated 23.8.1990 the Chief Works Manager, Northern Railway, Lucknow (respondent no.3) invited options from the applicant and other persons for determination of their seniority in the three cadres created vide order dated 6.11.1987, which was circulated by the Chief Works Manager vide letter dated 30.5.1990. It is claimed that the options so invited were to determine the seniority in each cadre. The applicant opted for Mechanical trade, which was allotted to him as would be evident the letter dated 27.4.1991 (Annexure-5 to the O.A.). The Chief Works Manager (respondent no.3) declared a separate seniority list for the post of Deputy Shop Supdt. Chargeman Grade-'A' & 'B' of all the three cadres on 21.5.1991, a copy of which has been annexed as Annexure-6 to the O.A. The applicant claims that he did not prefer any representation as he had no grievance either against the order dated 6.11.1987 or against the seniority list dated 21.5.1991.

4. The grievance of the applicant no.1 namely Subodh Chandra Chaturvedi is that one U.D. Malik including S/Sri

Sameer Nanden and Mithai Lal, though juniors to the applicant, were given such promotion on the post of Shop Supdt. vide order dated 3.12.1991, a copy of which has been annexed as Annexure-7-A to the O.A.

5. We have heard the learned counsel for the parties at length and have perused the pleadings on record.

6. It has been contended by the learned counsel for the respondents that the applicant was not asked to give any option for his absorption in POH because he had come in mutual transfer with Sri P.K. Mujumdar, Deputy Shop Supdt/EL, Electrical and in his case option/willingness was not required. It is stated that the staff were inducted from steam side having different trade than Electrical/Periodic overhauling. It is, however, admitted that the applicant no.1 was allotted Mechanical trade vide SO no. 231 dated 27.4.1991 and since the applicant belongs to Electrical trade and was by mistake allotted the Mechanical trade, ^{by J} which was corrected vide S.O. no. 435 dated 30.7.1992.

7. We find from the perusal of the seniority list dated 21.5.1991 as well as S.O. no. 435 dated 30.7.1992, the seniority of the applicant has not been disturbed though his trade has been rectified or changed. The applicant has, however, not prayed for any relief regarding change of his trade, therefore, the direction in this regard cannot be issued in this O.A.

8. Since the representation dated 30.12.1991, which has been annexed as Annexure-10 to the O.A. is still pending before the respondent no.3, we dispose of this O.A. with the directions to the respondents to consider, by a reasoned and speaking order, the representation of the applicant namely Subodh Chandra Chaturvedi within a period of three months from the date of communication of this order, in the light of the observations made above.

9. The O.A. in respect of the applicant no. ¹2 stands disposed of as above . The claim in respect of the applicant no.2 is dismissed as not pressed. The parties shall bear their own costs.



MEMBER(A)



MEMBER(J)

LUCKNOW:DATED:20.2.2001.

GIRISH/-