

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6

PRESCOT ROAD, BOMBAY
CAMP: NAGPUR

OA NO. 575/92

1. Kisan Nakshad
Driver 'A'
H/90/B near Urdu School
Railway Colony, Ajni, Nagpur & 3 ors. ..Applicants

V/s.

1. Union of India
through Secretary, Ministry of
Railways; New Delhi & 9 ors. Respondents.

Coram: Hon. Shri Justice M.S. Deshpande, V.C.
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. Lokhande &
Mr. M. Sudame
counsel
for applicants


Ms. Indira Bodade
counsel
for Respondents
nos. 1 to 3

ORAL JUDGMENT:
(Per: M S Deshpande, Vice Chairman)

DATED: 19-7-93

Heard the counsel.


It is apparent that the applicant and the respondents nos. 4 to 10 were promoted as Driver Gr.A on 1.1.1988 and in that list the applicants were placed below the respondents and thereby the respondents had become senior in the cadre of Driver Gr.A. That selection was not challenged. Latter the respondents nos. 4 to 10 came to be promoted by the order dated 15.6.90; 1.10.90 and 15.4.90 as Driver Gr.A(Special) and this position the applicant is challenging. The post of Driver A (Spl.) is selection post and the applicants could not have been promoted to those posts unless they were selected. Selection would not go merely on the length of service and this position has been pointed out in the written statement by the respondents.



2. Mr. Lokhande for the applicants states that now he wants to challenge the order dated 1.1.1988 and the seniority list. But evidently that cannot be done since that part of the relief would be barred by time.

3. In the circumstances we see no merit and the application is dismissed.


(M Y Priolkar)
Member(A)


(M.S. Deshpande)
Vice Chairman

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