

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

T.A. No. 581/86

Date of decision: 25.6.93

SOHAN LAL

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. S.D. Sharma

: Counsel for the applicant.

None present on behalf of the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

The applicant filed the writ petition in the High Court of Rajasthan, Jaipur stating therein that on restructuring of the posts of Guards, he was appointed as Guard Gde A w.e.f. 1.6.81 in the pay-scale of Rs. 425-600. Before such appointment he was holding the post of Guard Gde B in the pay-scale of Rs. 330-560. The petition belongs to Scheduled Caste. Subsequently, the railway authorities discovered that he had wrong/been appointed as Guard Gde A on re-structuring. He was accordingly reverted to the post of Guard grade 'B' by order dated 15-11-1983.

2. The petitioner's prayer was that his seniority should be counted with reference to the date on which he was appointed as Guard Gde B, on account of promotion on the basis of roster system. Placing an employee in another post on re-structuring is not a promotion. However, there is a merit in the contention that his seniority should be counted from the date on which he was placed in the position of Guard Gde B. The respondents are directed to re-work out the seniority of the applicant in the light of the above direction and refix his seniority in the Gde B of Guard accordingly. Subsequently, if he is entitled for benefits of a higher post on account of restructuring etc. he should be granted the same.

3. The T.A. is disposed of accordingly, with no orders as to costs.

(O.P. SHARMA )  
Administrative Member

( D.L. MEHTA )  
Vice-Chairman