

Date of Decision: 24.1.94

OA 694/92
(OA 396/88)

UMA SHANKER

... APPLICANT.

Vs.

UNION OF INDIA & OPS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

For the Applicant

... SHRI D.P. GARG.

For the Respondents

... SHRI K.N. SHRIMAL.

PER HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

In this OA, the applicant Uma Shanker, Moulder Gr.II, working in the Railway Loco Workshop, Ajmer, has challenged three orders issued by the respondents i.e. order dated 14.3.88, posting one of his juniors Shri Anil Kumar on deputation to the Loco Production Unit (Annexure A-1), order dated 22.12.87, being a seniority list showing him at Sl.No.6 (Annexure A-2), and order dated 9.6.88, whereby only S/Shri Anil Kumar and Satish Kumar have been sponsored for the trade test leading to promotion to the post of Moulder Grade-I (Annexure A-3).

2. The main claim of the applicant is that he was senior to respondents No.3 to 6 in the earlier list of 18.12.85 (Annexure A-4), 22.9.86 (Annexure A-5) and 13.11.87 (Annexure A-8). None of the respondents has filed representations against these seniority lists in time and still his seniority as Moulder Gr.I was revised downwards by the impugned order dated 3.5.88.

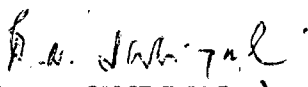
3. On 24.6.88, this Tribunal passed an interim order restraining the respondents from promoting respondents No.3 to 6 to the post of Moulder Gr.I. This order ^{WAA LN} later modified on 14.5.91 to the extent that the applicant as well as respondents No.3 to 6 may be promoted if found suitable and senior, subject to the decision of OA 396/88.

4. In the counter filed by the respondents the main averment

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are these. Respondent No.3 Shri Anil Kumar has been posted in the Loco Production Unit on the same post which he was holding earlier and his pay scale in the cadre shall also remain the same. He was considered more suitable for the Production Unit. As regards revision of the seniority list (Annexure A-2) is concerned, earlier the seniority in this grade was not assigned correctly. The applicant as well as respondents No.3 to 5 appeared in the test after completion of the training in which respondents No.3 to 5 secured higher position. They were therefore assigned higher seniority. This contention of the respondents has not been challenged by the applicant.

5. It thus appears that the revised seniority list is based on the merit list prepared by the respondents after the Post Training Examination and is in accordance with the rules. We find no merit in this application, it is accordingly dismissed. There shall be no order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN