

O.A.No.738/92

Dt. of order: 29.4.94

Shri Chhariram Maurya

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr.J.K.Kaushik

: Counsel for applicant

Mr.Manish Bhandari

: Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.D).

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant Chhariram Maurya, in this application under Sec.19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:

"The applicant requests that the non-petitioner No.2 may kindly be restrained from passing the reversion order of the applicant or to pass any other order which is against the applicant in order to mar his right.

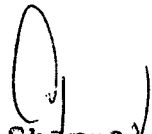
And the petitioner requests the Hon'ble Tribunal to pass appropriate order to provide the interim relief to the applicant as such the non-petitioner No.2 be restrained from the implementing any reversion order against the applicant till the final disposal of this application by this Hon'ble Tribunal."

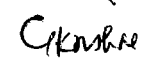
2. The applicant entered in the service of the Railways as an apprentice Mechanic in 1984. He was promoted to the post of Chargeman Gr.B Rs.1400-2300 in 1986. The result of the test of the Apprentice Mechanic was declared by the respondent No.2 vide communication dated 27.10.86 (Annx.A-5) placing the applicant above respondent No.3. He was promoted to the post of Chargeman Gr.A w.e.f. 14.12.88. However, vide office order dated 18.1.89 (Annx.A-6) he was placed below the respondent No.3 in the order of merit. The applicant was reverted from the post of Chargeman Gr.A to that of Chargeman Gr.B but he was repromoted to the post of Chargeman Gr.A and presently he is holding this post. The respondents have stated that when the respondent No.3 submitted representation against the seniority assigned to the applicant vide Annx.A-5, the mistake was rectified in terms of the CME(E)CCG's letter No.E890/8/2 dated 30.10.1991 which provides that the seniority of Apprentice

Mechanics, Apprentice TXRs and Journeymen should be prepared on the basis of the results of final tests only theoretical and practical, instead of taking into consideration the total number of marks obtained by the Apprentices in all the 4 ~~XXXXXX~~ sessional examinations. Since the respondent No.3 had secured higher marks than the applicant in the final retention test, he was assigned seniority above the applicant.

3. We have heard the learned counsel for the parties and have perused the records.

4. The question which calls for consideration now merely relates to the assignment of seniority to the applicant in the post of Chargeman Gr.B vis-a-vis the respondent No.3. The counsel for the applicant contends that the respondent No.3 joined one month later than the applicant i.e. 27.9.84 whereas the applicant joined training on 22.8.84. It is further contended that ^{as} the applicant has ^{undergone} ~~passed~~ the training earlier than the respondent No.3 and he secured higher marks and therefore, the applicant claims seniority over respondent No.3 as per the provisions contained in para 303 of the Indian Railway Establishment Manual. The learned counsel for the applicant has raised these contentions with reference to the documents at Annex.A-7, A-8 and A-9. However, he has not challenged the validity or correctness of the letter dated 30.6.61 (Annx.R-4). He has not claimed any seniority over respondent No.3 in the relief clause. Since there is no challenge to the office order Annx.A6 dated 18.1.89 in the relief clause of the application, we can not go into the question of its correctness or otherwise. Hence we find no substance in this application. The O.A. is therefore, dismissed with no order as to costs.


(O.P.Sharma)
Member(A).


(Gopal Krishna)
Member(J).