

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Jaipur Bench, Jaipur  
ORDER SHEET

Application No. O.A. 796/89 of 199 .

Applicant(s).....

Respondent(s).....

Advocate for Applicant(s)

Advocate for Respondent(s)

Notes of the Registry

Orders of the Tribunal

8/9

CASE NOT REACHED  
PUTUP FOR HEARING  
ON ..... 199 .....

14/9/94

B.O.  
COURT MASTER

14-9-94 Adjourned  
CASE NOT REACHED  
PUTUP FOR HEARING  
ON 15-9-1994

B.O.  
COURT MASTER

15.9.94

Mr. Neeraj Bhandari - Counsel for the respondent.

The OA has been dismissed  
by a separate order which has been  
pronounced in the open Court.

W.M.  
(MSA&T SEN)

AM

W.M.  
(DL MELA IT)  
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 796/89

Date of decision: 15.9.94

ALL INDIA SHOSHIT KARAMCHARI

SANGH, W.RLY., JAIPUR & ORS - Applicants.

VERSUS

UNION OF INDIA & ORS

- Respondents.

Mr. Manish Bhandari - Counsel for the respondents.

CORAM:

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

Hon'ble Ms. Usha Sen, Administrative Member

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

Mr. J.K. Kaushik submits that his client has taken away the file from him with the intention to engage another counsel. He pleads no instructions.

2. We have heard Mr. Manish Bhandari, the learned counsel for the respondents.

3. Applicants, (No.1) is a Sangh of the All India Shoshit Karamcharis and they have filed the petition on the ground that in the light of the case of Virpal Singh Chauhan & Ors Vs. Union of India & Ors, reported in AIR 1987(2) CAT 71, the respondents may be directed to refix the seniority of employees of Jaipur Division holding the post of Passenger Guards in accordance with the principles laid down in the case of Virpal Singh Chauhan. After the Judgment of the Hon'ble Supreme Court in the case of Karam Chand Vs. Union of India & Ors and subsequent judgments, this Bench has held in a number of cases that the person who enters the higher grade earlier is entitled to be considered as senior to the persons who enters the higher grade at a later stage. This view has been taken by this Bench consistently in the light of the decision of the Hon'ble Supreme Court. In the light of the decision in the case of Virpal Singh Chauhan(supra), we do not find force in this petition at present. We consider that the respondents have rightly given the seniority to those

persons who have entered the higher grade earlier than the persons who have entered the higher grade at a later stage. The doctrine of 'jumping the queue' does not arise. A person may be junior in a lower grade but on account of promotion, may be on account of reservation quota, he becomes senior if he has been promoted earlier.

4. We do not find any infirmity in the seniority list and the O.A. is dismissed, with no order as to costs.

Usha Sen

( USHA SEN )  
Administrative Member

D.L. Mehta

( D.L. MEHTA )  
Vice-Chairman