

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 16.1.95.

CA 822/92
(OA 539/90)

KULDEEP RAI KHANNA ... APPLICANT.

V/s.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI C.B. SHARMA.

For the Respondents ... SHRI MANISH BHANDARI.

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

Applicant Kuldeep Rai Khanna has prayed in this application u/s 19 of the Administrative Tribunals Act, 1985, that the change in the seniority list of the applicant in Diesel Mechanic Gr.III from No.5 may be quashed. He has sought a direction to the respondents to promote him as Chargeman and Senior Chargeman from the date his juniors were promoted.

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

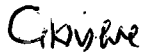
3. The applicant was appointed as Artisan Khalasi in the Western Railway w.e.f. 17.10.52 in the Jaipur Division. He was promoted as Fitter on 28.8.53 and was confirmed in the post w.e.f. 1.1.54. The applicant states that his next promotion was to the post of Fitter Mistry, equivalent to the post of Chargeman Gr.C. The applicant was selected for the post of Diesel Mechanic Gr.III in the month of February, 1966 and was sent for training for six months. After training and clearing the necessary test the applicant continued to work on the Steam side till November, 1967, when he was absorbed alongwith 9 others as Diesel Mechanic Gr.III in the Ajmer Division. It is contended on behalf of the applicant that the seniority list of Diesel Mechanic Gr.III of the Ajmer Division was published in the year 1968 and the applicant's name figured at Sl.No.6 therein, but the seniority

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list was changed behind the back of the applicant without any notice having been given to him. This change is assailed as being arbitrary. It is also stated that the applicant was afterwards promoted as Diesel Mechanic Gr.I but on account of wrong seniority he could not be given further promotion as Chageman in spite of the fact that persons junior to him were promoted to that post. It has been categorically stated that a regular selection for the post of Chageman grade Rs.1400-2300 (RP) was held in 1988 but the applicant could not appear in the selection due to his Cardiac ailment. The applicant's representation dated 1.11.89 had also not evoked any response, as stated by the applicant. It is contended by the respondents that the name of the applicant did not find any place in the seniority list notified on 2.6.68. It is also stated by them that the applicant was promoted as Diesel Mechanic Gr.II in July, 1971 as per his seniority position and no seniority was changed. Applicant had failed in the trade tests held in 1969 and 1970 in Gr.II and persons qualifying those tests became senior to the applicant and thereafter the applicant was promoted as Gr.I on 17.1.83 as per his seniority. No seniority list has been produced by the applicant in support of his averments. Persons over whom the applicant claims seniority have not been impleaded by him. Since the applicant had not appeared in the trade tests referred to above, he could not be promoted to higher posts alongwith others who qualified the said tests and were promoted to higher post. The applicant has not been able to make out any case in his favour.

4. In the result, this application is dismissed with no order as to costs.


(O.P. BHARMA)
MEMBER (A)


(GOPAL PRISHNA)
MEMBER (J)