

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 14 August, 2001

OA No.563/1995

Paramanand s/o Shri Kishan Prasad r/c 1351/26, Bhagwan Ganj, Ajmer at present employed on the post of Chief Law Assistant, Western Railway, Ajmer Division, Ajmer.

..Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. General Manager (E), Western Railway, Churchgate, Bombay.
3. Dy. Director (E) Railway Board, New Delhi.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant

Mr. Manish Bhandari, counsel the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs:-

- "i) That the impugned order dated 14.2.95 (Ann.A1) may please be modified by interpolating the name of applicant at appropriate place i.e. below Sl.No.1 and above Sl.No.2 of Ann.A1 and respondent may be directed to consider the case of applicant for promotion to the post of A.L.O. Group 'B' at par with his juniors and if any adverse order has been passed may also be quashed




with all consequential benefits.

- ii) Any other order/directions/reliefs may be passed in favour of applicant which may be deemed fit, just and proper under the facts and circumstance of this case.
- iii) That the cost of this application may be awarded."

2. The applicant has stated that for selection for the post of Assistant Law Officer (ALO for short) held in the year 1992, he had appeared and passed, but could not be placed on the panel. In the selection notified vide the impugned order for one vacancy of ALO, his name does not appear in the list of eight eligible candidates, while his juniors, as per entry in the grade of Law Assistants, scale Rs. 1600-2660, have been called. He is aggrieved with this action of the respondents and hence this OA.

3. In reply, the respondents have stated that as per rules of seniority prevalent then, the applicant was called for the selection held in the year 1992. Subsequently, Hon'ble the Supreme Court has decided the principles to be followed for determining the relative seniority of candidates belonging to General category and those belonging to SC/ST categories. In view of this, the seniority has been recast on the basis of base grade seniority and the candidate, who is SC, has been placed junior to Shri H.K.Kapoor, who is the last candidate in the zone of eligibility. In view of this, the respondents contend that the applicant has no case.

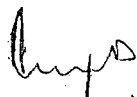
4. Heard the learned counsel for the parties. In view of the law laid down by the Apex Court and the principles of determining seniority decided by the Constitution Bench in Ajit Singh-II, the applicant has to now establish the cause of action afresh. The present OA is not maintainable because of the changes in legal position relating to seniority of Government employees, where the question of



determining seniority of general candidates vis-a-vis SC/ST crops up.

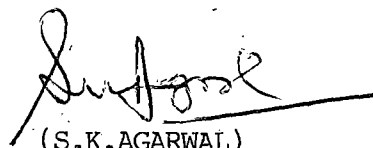
4. We, therefore, dispose of this OA as not maintainable.

No order as to costs.



(A.P.NAGRATH)

Adm. Member



(S.K.AGARWAL)

Judl. Member