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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.341/1996

Date of order: 9/5/2000

Govind Swaroop Tripathi, S/o Laxmi Narain, R/o Subhas Nagar, Ajmer, presently working as Turner Gr.I T.No.18466.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate, Mumbai.
2. Chief Workshop Manager, W.Rly, Ajmer.
3. Narendra Kumar, S/o Brij Mohan, T.No.18389, Turner Gr.I, Lace Workshop, R/o SMB School Wali Gali, Ajmer.

...Respondents.

Mr.N.K.Gautam - Counsel for applicant.

Mr.M.Rafiq ) - Counsel for respondents.

Mr.Sitiv Kumar - Counsel for Resp. No.3.

CORAM:

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

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to cancel letter dated 15.4.96 to the extent it is against the applicant and not alter/interfere with the seniority of the applicant already assigned to him by the respondents vide letters dated 24.12.80 and 31.8.90.

2. Facts of the case as stated by the applicant are that he was initially appointed as Turner in Machine & Brass Shop at Ajmer on 6.12.77 and vide letter dated 24.12.80, he was shown senior to Respondent No.3. Thereafter, the applicant was granted proforma fixation as Turner being senior to respondent No.3. It is further stated that by an order passed in O.A No.249/90 and 749/92, respondent No.3 was declared senior to respondents Nos.4,5 & 6 and in pursuance of the said order of the Tribunal, respondent No.2 has included the name of the applicant junior to Resp.No.3. It is further stated that the applicant made representation to correct his seniority but respondent No.2 did not agree, therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. It is stated in the reply that seniority of Turner Gr.III was issued vide letter dated 18.10.80 was revised in pursuance of the judgment of the Regional Labour Commissioner, Ajmer. It is also stated that the applicant was promoted on the post of Turner Gr.I w.e.f. 29.9.86 and proforma fixation was made vide order dated 31.8.90. It is also stated that in pursuance of the judgment of the Tribunal dated 28.2.96, the seniority was

revived vide order dated 15.4.96 in which the applicant was shown junior to S/Sh;ri Lekhraj & Dhanpal as S/Shri Lekraj and Dhanpal were junior to respondent No.3, Narendra Kumar and the action of the respondents dated 15.4.96 is perfectly legal and valid and the applicant has no case for interference by this Tribunal. Therefore, the O.A is devoid of any merit and liable to be dismissed.

4. Rejoinder was filed reiterating the facts stated in the O.A which is on record.

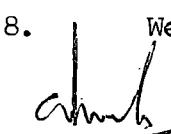
5. Heard the learned counsel for the parties and also perused the whole record.

6. Admittedly, respondent No.3, Narendra Kumar, filed O.A before this Tribunal and the same was disposed of vide order dated 28.2.96 which is reproduced as under:

"The respondents are directed to fix the seniority of the applicant over and above respondents Nos.4 to 6 and the seniority list at Annex.A1 dated 11.4.90 be modified accordingly. There shall be no order as to costs."

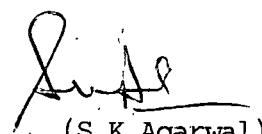
7. It is also abundantly clear that the respondents have issued the impugned order dated 15.4.96 in compliance with the orders of this Tribunal dated 28.2.96. It is also evident that in the letter dated 24.12.80, the applicant was shown junior to S/Shri Lekhraj and Dhanpal and vide this Tribunal's order dated 28.2.96, Shri Narendra Kumar, applicant in O.A No.749/92 was declared as senior to S/Shri Lekhraj and Dhanpal, therefore, the order dated 15.4.96 which was in compliance of this Tribunal's order does not call for interference merely on the ground that in the proforma fixation order dated 31.8.90, the applicant has been shown as senior to respondent No.3, Narendra Kumar. In our considered view, the applicant failed to establish the case for interference by this Tribunal, therefore, we are unable to hold that the applicant is senior to respondent No.3, Sh.Narendra Kumar.

8. We, therefore, dismiss the O.A with no order as to costs.



(N.P.Nawani)

Member (A).



(S.K.Agarwal)

Member (J).