

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 10/8/2001

OA No.195/1998

Bharat Lal Meena s/o Shri Surajmal Meena r/o Plot No.A-2, c/o Rukam Pala Verma, Mahesh Nagar, Jaipur, presently working as Health Inspector, Phulera

..Applicant

Versus

1. Union of India through Officer of Special Duty, Northern Western Railway Jaipur, Rajasthan through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.) Western Railway, Jaipur, Rajasthan
3. The Chief Medical Superintendent, Railway Hospital, Jaipur, Rajasthan.
4. Ratan Lal Banjara, Health Inspector, Office of the Chief Health Inspector, Railway Goods Godown (Old) Shed, Jaipur.

.. Respondents

Mr. Y.C.Joshi, counsel for the applicant

Mr. S.S.Hasan, counsel for the respondents Nos. 1 to 3

Mr. P.V.Calla, counsel for respondent No.4

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

The applicant is aggrieved with the Office Order dated 18.3.98 (Ann.A1) by which respondent No.4, Shri Ratan Lal Banjara, has been promoted on ad-hoc basis to the post of Health Inspector to the grade Rs. 1600-2660/5000-8000. His plea is that respondent No.4 is

junior to him and he could not have been promoted even on adhoc basis overlooking the claim of the senior. The applicant has also sought Writ of Quo Warranto against respondent No.4 for working on the post of Health Inspector on the plea that his very initial appointment was dehors the rules and that Shri Ratan Lal Banjara does not belong to SC community and that the caste certificate submitted by him at the time of his initial appoint was false.

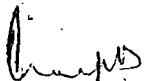
2. When the matter was taken up for hearing, the learned counsel for the respondents placed before us copy of the seniority list dated 22.5.2001 in which seniority of the Health Inspectors and Malaria Inspectors in the grades Rs. 7450-11500, Rs. 6500-10500 and Rs. 5500-9000 have been shown. This document has been taken on record. Documents dated 14.2.2000 by which Shri Ratan Lal Banjara has been made regular in the grade Rs. 6500-10500, which was produced at the time of arguments, is also taken on record.

3. We find from these documents that in the grade Rs. 5500-9000 the applicant has been shown to be seniormost and respondent No.4, Shri Ratan Lal Banjara has been shown at Sl.No.3. The date of regular appointment in the grade has been shown in the case of the applicant as 1.3.92 and in the case of respondent No.4 as 1.3.94. With this clear declaration by the Department, we find that the grievance of the applicant does not survive. The order impugned before us is in respect of promotion to the grade Rs. 5000-8000. Grade of Rs.5500-9000 is still a higher grade in which the applicant has been declared to be senior. Thus, in our considered view, the cause of grievance does not survive. We are not inclined to go into the question of initial appointment of respondent No.4 as in our view a senior employee cannot raise a grievance about the appointment of the junior as this does not give him any locus-standi. The issue cannot be treated as a Public Interest Litigation and in service jurisprudence one has to project

one's own grievance and a senior cannot have any grievance over the junior unless junior supersedes him.

4. The learned counsel for the applicant stated that promotion of respondent No.4 to the grade of Rs. 6500-10500 overlooking the applicant is an infringement on the rights of the applicant and in that view he stated that cause of grievance has continued. We are not inclined to go into this question in the present OA as promotion of respondent No.4 to grade Rs. 6500-10500 has not been challenged before us. If the applicant is aggrieved with this order, he is at liberty to file a fresh OA. As we have stated supra, the cause of action in the present application has extinguished with Department's declaration that the applicant is senior to respondent No.4 in the grade Rs. 5500-9000.

5. As the cause of action does not survive, we dismiss this application as having become infructuous. No order as to costs.

  
(A.P. NAGRATH)

Adm. Member

  
(S.K. AGARWAL)  
Judl. Member