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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 18.8.1999

OA 441/98

1. Vijay Kumar, S/o Shri Sua Lal presently working as Chargeman 'B' in the office of Dy.Chief Mechanical Engineer, Loco Workshop, Ajmer.
2. Vinod Kumar Verma, S/o Shri Jamuna Das Verma, presently posted as Chargeman 'B', in the o/o Dy.Chief Mechanical Engineer, Loco Workshop, Ajmer.

... Applicants

Versus

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. The Chief Works Manager, Western Railway, Loco Workshop, Ajmer.
3. Dy.Chief Mechanical Engineer, Carriage Workshop, Western Railway, Ajmer.
4. Shri Om Prakash, S/o Shri Gyan Prakash Sharma, R/o Saket Bhawan, Behind Factory of Mittal Pipa Dorai, Ajmer.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADM.MEMBER

For the Applicants

...Mr.Vinod Goel - Briefholder of Mr.R.N.Mathur

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicants, Vijay Kumar and Vinod Kumar Verma have filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking proforma position in the seniority list as Chargeman 'B' above respondent No.4 namely Om Prakash.


2. We have heard the counsel for the applicants.
3. The case of the applicants is that proforma position was given to them on the post of Turner Gr.I w.e.f. 3.9.82 by an order dated 20.5.94 while respondent No.4, Om Prakash was promoted as Machinist Gr.I w.e.f. 14.11.83. Later respondent No.4 was promoted as Chargeman 'B' vide Annexure A4 dated 22.11.91. The applicants earned their promotion as Chargeman 'B' vide Annexure A5 dated 19.12.96. It is true that Om Prakash was promoted as

C.K. Kulkarni

5

Chargeman 'B' Grade Rs.1400-2300 vide Annexure A4 dated 22.11.91 much earlier than the applicants. However, the applicants' contention is that due to the proforma position given to them on the post of Turner Gr.I w.e.f. 3.9.82, they should have been placed above respondent No.4 in the seniority list. Instead of pressing this application on merit, the applicants have drawn our attention to a representation at Annexure A7 dated 5.3.97 which they state has not been decided till date.

4. In the circumstances, we direct respondent No.2 to decide the applicants' representation at Annexure A7 through a detailed speaking order on merits within a period of two months from the date the receipt of a copy of this order. The applicants may file a fresh O.A subject to just exceptions after a decision is taken by the respondents. The O.A stands disposed of accordingly.


(N.P.Nawani)
Administrative Member.


(Gopal Krishna)
Vice Chairman.