

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 03.09.2003

OA No.293/2000

Shyam Sunder Tewari s/o Shri Nand Ram Tewari aged 54 years  
r/o Q.No.15A, RE-Type-II, Kota Junction, Kota presently  
working as UDC in the office of Chief Works Manager  
Wagon/Repair Shop, Western Railway, Kota Jn. Kota.

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai
2. Chief Works Manager, Wagon Repair Shop, Western Railway, Kota Jn. Kota.
3. Om Prakash, UDC, Inspection Section of Workshop, Kota.
4. Sunil Kumar Gautam, Head Clerk C/o SS (MNP), Railway Workshop, Western Railway, Kota Junction, Kota.
5. R.Narain, Head Clerk, C/o Consol Superintendent, Computer Cell, Railway Workshop, Western Railway, Kota Junction, Kota.

.. Respondents

Mr. B.C.Jain, counsel for the applicant.

Mr. R.G.Gupta, counsel for respondent Nos. 1 and 2

Mr. Anil Mehta, counsel for respondent No.3.

CORAM:

HON'BLE MR. S.F.AGRAWAL, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

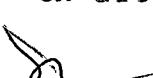
O R D E R (ORAL)

In this OA, the applicant has disputed the seniority list dated 23.5.1981 which was republished in 1990 and thereafter again republished on 16.6.98. The



prayer of the applicant in this OA is to direct the respondents to declare the seniority list dated 16.6.99 (Ann.A/1A) placing the applicant at SL.No.9 as illegal and also that the respondents be directed to rank the applicant between Sl.No. 4 and 5 of the seniority list by assigning him correct seniority position.

2. The facts of the case are that the applicant was initially appointed on 1.3.1968 in the RPF department in the scale of Rs. 70-85 (A.S.) and from 1.3.1968 to 7.1.1979 he worked on the post of Rakshak in the RPF Department when he was medically declassified and consequently absorbed as Paniwala in the Kota Workshop in the scale Rs. 196-232 (R). As stated by the respondents in the counter reply at page 7, Shri Om Prakash (respondent No.3) was working in the higher scale from 3.11.1976, Shri Sunil Kumar Gautam (respondent No.4) was working in the higher scale from 19.6.1978 and Shri R. Narayan (respondent No.5) was working in the higher scale from 1.8.1978 whereas the scale of pay of the applicant was lower to the respondents Nos. 3,4 & 5. It is, therefore, clear that the private respondents Nos. 3,4, & 5 were senior to the applicant. Thereafter the respondents prepared a provisional merit list for the post of Clerk and in the said list also, the applicant was junior to private respondent Nos. 3 to 5. Aggrieved by this seniority list, the applicant made a representation dated 9.3.1981 (Ann.R1) regarding his grievance that his name has been shown in the seniority list below respondent Nos. 3 to 5. Thereafter the applicant made repeated representations and since no relief has been granted to him, he has filed this OA after more than 20 years.



3. The official respondents as well as the private respondent No.3 have contested this applicant by filing separate replies. By way of preliminary objections, the respondents have submitted that this OA is hopelessly barred by limitation. On merits, it has been stated that the applicant was never senior to respondent Nos. 3 to 5. They have further stated that the seniority list was rightly prepared. The respondents have also submitted that, as a matter of fact, the seniority list dated 30.10.90 was republished vide order dated 16.6.98 and the same was never challenged by the applicant at that point of time.

4. We have gone through the facts and the arguments put forth on behalf of the applicant as well as the respondents. From the facts, it is more than established that the respondent Nos. 3 to 5 were always senior to the applicant since they were in the higher grade <sup>earlier</sup> than the applicant before absorption as LDC. After a lapse of more than 20 years, the issue cannot now be challenged by the applicant, which will unsettle the whole thing and not permissible under the law.

5. We, therefore, find no merit in the present OA and the same is dismissed with no order as to costs.

  
(M.L.CHAUHAN)

Member (J)

  
(S.K.AGRAWAL)

Member (A)