

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 06.10.2004

OA 550/2001

Noor Mohammed, Printer Grade-I, Ticket Printing Press, Ajmer.

... Applicant

Versus

1. Union of India through General Manager, W/Rly, Churchgate, Mumbai.
2. Divisional Rly Manager, W/Rly, Ajmer.
3. Dy.COS (E), Nagra, W/Rly, Ajmer.
4. Shri Arjun Lal Meena, Ticket No.28, Printer Grade-I, Ticket Printing Press, Ajmer.

... Respondents

CORAM:

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

HON'BLE MR.A.K.BHANDARI, MEMBER (A)

For the Applicant

... Mr.Vinod Goyal

For Respondents No.1to3

... Mr.S.S.Hasan

ORDER (ORAL)

Brief facts of the case are that the applicant is presently working as Printer Grade-I. His grievance is that pursuant to decision/judgement dated 30.8.96, rendered by this Tribunal in OA 62/86, he is entitled to refix his seniority on the basis of entry in the base grade. Further grievance of the applicant is that since he is senior to respondent No.4 on the basis of entry in base grade, he is also entitled to promotion to the post of Master Craftsman and it is not legally permissible for the respondents to continue respondent No.4 on the said post ignoring the legitimate claim of the applicant. It is on these basis that the applicant has filed this OA thereby praying for the following relief :

- "a) That the Hon'ble Tribunal may be pleased to pass an appropriate order or direction declaring the impugned order dated 12.6.2001 as illegal, arbitrary and violative of Article 14 to 16 of the Constitution of India.
- b) That the respondents may be directed to assign the right seniority to the applicant at higher position than respondent No.4.
- c) That an appropriate order or direction may be issued to the respondents to consider the case of the applicant for promotion to the post of Master Craftsman.
- d) That direction may be issued to the extent that applicant's seniority may be considered from the date of

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his initial appointment."

2. Notice of this OA was given to the respondents, who have filed their reply. In the reply it has been stated that operation of the judgement dated 30.8.96, passed by this Tribunal in OA 62/86, on the basis of which applicant is claiming seniority, has been stayed by the Hon'ble Supreme Court. As such, the applicant cannot be granted benefit on the basis of said decision of this Tribunal. It is further stated that the respondents have issued a seniority list dated 20.3.2001 as per judgement of Hon'ble Supreme Court in the case of Rudra Pal Singh v. State of Punjab, and as per the order dated 16.8.2000 passed by the Hon'ble Supreme Court, wherein it has been directed that promotions made after 1.8.95 and after 1.9.97 in the case of reserved category employees, shall not be reverted but they shall be posted on adhoc basis as the promotion of Shri Arjun Lal Meena (SC) on the post of Master Craftsman was made on 11.4.96 as per the relevant rules and as per Hon'ble Supreme Court's judgement dated 16.8.2000 he was not reverted but was kept on adhoc basis on the post of Master Craftsman. As such, promotion of respondent No.4 cannot be treated as excess to quota.

3. The applicant has filed a rejoinder thereby reiterating the submissions made in the OA.

4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. In view of the fact that operation of the decision of this Tribunal dated 30.8.96, passed in OA 62/86, has been stayed by Hon'ble Supreme Court, no effective relief, at this stage, can be granted to the applicant. If ultimately the judgement/order of this Tribunal dated 30.8.96, referred to above, is upheld by Hon'ble Supreme Court, we see no reason why the respondents will not act in accordance with judgement

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rendered by the Apex Court.

5. In view of what has been stated above, the applicant is not entitled to any relief at this stage. The OA shall stands disposed of accordingly.



(A.K.BHANDARI)

MEMBER (A)



(M.L.CHAUHAN)

MEMBER (J)