

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH**

**Original Application No. 802 of 2004**

Jabalpur, this the 6<sup>th</sup> day of May, 2005

Hon'ble Shri M.P.Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Manphool Damroo  
S/o Late Shri Damroo  
R/o Ward No.7, Barngalia, Irarsi  
Distt. Hoshangabad (MP). Applicant

(By advocate Smt.S.Menon)

Versus

1. General Manager  
West Central Railway  
Jabalpur.
2. Divisional Railway Manager  
West Central Railway  
Bhopal (MP).
3. Senior Section Engineer (Carriage and  
Wagon)  
West Central Railway  
Itarsi, Dist.Hoshangabad (MP)
4. Kishen Sunder  
Fitter Grade I  
C/o Divisional Railway Manager  
West Central Railway  
Bhopal. Respondents.

(By advocate Shri M.N.Banerjee)

**ORDER**

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

- (i) To set aside the order dated 17.6.2004 (Annexure A4).

- (ii) Direct the respondents to properly reckon the seniority of applicant in the grade of Fitter Grade I and place him above respondent No.4 .
- (iii) Direct the respondents to grant all other consequential and ancillary service benefits in favour of applicant and against respondent No.4.

2. The brief facts of the case are that the applicant was appointed i.e. 23.8.1978 as a Helper/Khalasi while respondent No.4 was appointed with effect from 1.1.1979. The applicant had successfully passed the trade test from Fitter Grade III to Fitter Grade II, as reflected in the office order dated 30.11.1993/10.1.1993, wherein the name of applicant is at Sl.No.8 while respondent No.4 at Sl.No.10. While in the order of promotion, the name of applicant finds place at Sl.No.6, the name of respondent No.4 is at Sl.No.8. Hence the applicant was senior to respondent No.4. In the year 1996, the said respondent No.4 came to be promoted as Fitter Grade I, which is exclusively on the basis of seniority while the applicant was only promoted in the year 2001. On coming to know about this, the applicant submitted a representation to the authorities concerned and also submitted another application for stepping up his pay. The respondents vide order dated 17.6.2004 rejected the claim of the applicant, stating that he has no claim for promotion and that his seniority has been properly reckoned (Annexure A4). From Fitter Grade II to Grade I, no trade test is required other than the requisite years of service. Respondent No.4 was promoted as Fitter Grade I i.e. 16.2.96 in the pay scale of Rs.4500-7500 while the applicant i.e. 27.3.2001 i.e. nearly after 5 years. The seniority of the applicant was incorrect. Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that in Annexure A1, the name of the applicant is at Sl.No.8 while the name of respondent No.4 is mentioned at Sl.No.10 and in the order of promotion, the name of the applicant is at Sl.No.6 while that of respondent No.4 is at Sl.No.8 and also argued that


the applicant was appointed on 23.8.1978 whereas the respondent No.4 was appointed on 1.1.1979. Apparently the applicant was senior to respondent No.4 and there was nothing adverse against the applicant. Respondent No.4 was, however, promoted in Fitter Grade I with effect from 16.2.1996 while the applicant was not promoted after about 5 years i.e. on 27.3.2001. Hence the action of the respondents is apparently against rules and law. The applicant is entitled for the reliefs claimed.

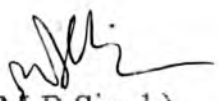
4. In reply, learned counsel for the respondents argued that a perusal of the seniority list published on 18.12.1990 (Annexure R1) would show that applicant is placed at Sl.No.106 and respondent No.4 at Sl.No.14. Applicant is shown as junior to respondent No.4. Respondent No.4 has been promoted as Fitter Grade III on 2.8.1984 whereas applicant has been promoted as Fitter Grade III on 22.5.1989. Subsequently, seniority list dated 23.11.93 showed respondent No.4 at Sl.No.8 whereas applicant is at Sl.No.39. The applicant did not challenge both the seniority list of 1990 and 1993. Hence it attained finality. Any employee having any grievance regarding his seniority has to challenge it within a period of one year as per rules. The applicant has not filed any seniority list. The letter dated 30.11.93/10.12.93 (Annexure A1 is not a seniority list but is just a sheet which cannot help the contentions of the applicant about his seniority. Respondents have further argued that they have mentioned other details about the seniority of the applicant and private respondent No.4 and another person Rambharese in para 6 of the reply which is against paras 4.1 to 4.3 of the OA. The applicant is junior to respondent 4. The respondents have not committed any irregularity and this OA deserves to be dismissed.

5. After hearing the learned counsel for both parties and perusing the records, we find that the letter dated 30.11.93/10.12.93 (Annexure A1) is a seniority list. It is merely the result of the test conducted for

the post of Fitter Grade III to Fitter Grade II, in which the applicant and respondent No.4 are shown to have passed, while the respondents have given the details of both persons i.e. the applicant and respondent No.4 in the seniority list of 1990 and the name of the applicant is shown at Slo.No.39 whereas the name of private respondent No.4 is at Sl.No.8 and the applicant was promoted on 22.5.89 while respondent No.4 was promoted on 2.8.84. Hence the argument advanced on behalf of the applicant that A1 is the seniority list goes against the records of the respondents.

6. Considering all the facts and circumstances of the case, we find that the OA has no merit. Accordingly, the OA is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

aa.

पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

(1) सचिव, उच्च न्यायालय, जबलपुर, जबलपुर

(2) आवेदक श्री/श्रीमती.....के काउंसलर

(3) प्रत्यक्षी श्री/श्रीमती.....के काउंसलर

(4) न्यायालय, जबलपुर, जबलपुर  
सूचना एवं आवेदक काउंसलरी हेतु

रजिस्ट्रार

S. Menon PH JBV  
M. R. Bhatnagar  
PH JBV

grossed  
13/5/05