

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR  
Original Application No. 429 of 1998

Jabalpur, this the 3rd day of July, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)  
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Smt. Arti Verma, wife of Shri R.S. Verma,  
working as Head Clerk in the office of  
Divisional Railway Manager, Central Railway  
Jabalpur.

APPLICANT

(By Advocate - Shri A.K. Tiwari)

VERSUS

1. Union of India, through its General  
Manager, Central Railway, CST. Mumbai.
2. Divisional Railway Manager, Central  
Railway, Bhopal.

RESPONDENTS

(By Advocate - Shri S.P. Sinha)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

The applicant of this OA was initially appointed as Junior Clerk in Nagpur Division of Central Railway, with effect from 14.9.1982. Subsequently she was promoted as Senior Clerk with effect from 22.4.1984. The applicant while working as Senior Clerk in the Nagpur Division availed the opportunity of Inter Division Mutual Exchange transfer with Shri Satish Kumar Tiwari who was working as Senior Clerk in Bhopal Division. Consequently the applicant came to occupy the place and seniority occupied by Shri Satish Kumar Tiwari, in Bhopal Division. The case of the applicant is that Shri Satish Kumar Tiwari was a directly recruited senior clerk of 1984 batch but was appointed in 1987. The other persons who were directly recruited alongwith


A

: 2 :

Shri Satish Kumar Tiwari were placed senior to those who were selected by subsequent selection. But Satish Kumar Tiwari was not given the said benefit. The grievance of the applicant is that if Satish Kumar Tiwari had been given that benefit of being placed senior to the persons who were appointed by subsequent selection the present applicant would gain seniority. Satish Kumar Tiwari never felt aggrieved with the decision taken by the Department and never agitated the matter. Some other persons, according to the applicant, filed OA and they were granted relief. In those cases Satish Kumar Tiwari was not a party.

2. The learned counsel for the respondents have submitted that when Satish Kumar Tiwari was given appointment as Senior Clerk nobody of subsequent selection was placed senior to him. Consequently there was no change in the seniority position of Satish Kumar Tiwari in Bhopal region.

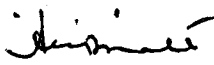
3. In the light of the above facts the present applicant cannot have a grievance. Besides that even if there was <sup>it was for</sup> any grievance / Satish Kumar Tiwari who never agitated about the same. The applicant cannot air the grievance of Satish Kumar Tiwari and claim relief for him and subsequent relief to herself because of mutual exchange. When the mutual exchange order was passed, the applicant came to join in place of Satish Kumar Tiwari, the applicant was aware of the position which Satish Kumar Tiwari was occupying at that time. The applicant cannot now come out of that and claim her seniority which could have accrued to Satish Kumar Tiwari.

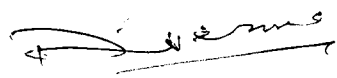


: 3 :

4. The learned counsel for the applicant has placed reliance on the decision of the Apex Court reported in AIR 1976 SC page 578 which is for grant of writ of certiorari with regard to the territorial jurisdiction. The applicant is not the person aggrieved to claim seniority for Satish Kumar Tiwari, consequently the cited case is of no help to the applicant. When Satish Kumar Tiwari was appointed applicant was not in sight of coming to join in place of Satish Kumar Tiwari. Seniority of Satish Kumar Tiwari was settled as he never felt aggrieved, so applicant <sup>not</sup> can be treated as 'aggrieved person'.

5. In view of the discussion made above we find no merit in the OA and the same is dismissed. No costs.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman (J)

"SA"

पृष्ठान्कन सं ओ/न्या.....जबलपुर. दि.....

उपस्थिति आदेश दि.....

(1) उपाध्यक्ष, जबलपुर

(2) उपाध्यक्ष, जबलपुर

(3) उपाध्यक्ष, जबलपुर

(4) उपाध्यक्ष, जबलपुर

सूचना एवं सहायता

उपस्थिति

A K Tiwari

S P. Singh

Received  
14/7/79