

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 548/99

Jabalpur, this the 19th day of June 2003.

Hon'ble Mr. D.C. Verma - Vice Chairma (J)
Hon'ble Mr. Anand Kumar Bhatt - Administrative Member

Chahur, son of Chhota, aged about
48 years, r/o 2653, Ratan Nagar,
Indira Basti, Jhanda Chowk,
Jabalpur (MP).

APPLICANT

(By Advocate - Mr. B.K.Rawat)

VERSUS

1. The Union of India
Through the Secretary,
Ministry of Railways,
New Delhi.
2. The Divisional Personal Officer,
South Eastern Railway,
Nagpur.
3. The Junior Engineer (C&W)
South Eastern Railway Howbag,
Jabalpur (MP).

RESPONDENTS

(By Advocate - Mr. S.K.Mukherjee)

ORDER (ORAL)

Per : Hon'ble Mr. D.C.Verma, Vice Chairman (J)

By this OA, the applicant has claimed seniority in the cadre of Khalasi from the date of his appointment i.e. on 26-5-80 and consequent promotion to the cadre of Khalasi/helper and Fitter.


2. The case of the applicant is that the applicant was initially engaged in the year 1980 as Sub-Khalasi. Many persons were engaged subsequent to the applicant and

were shown junior to the applicant in the seniority list, but inspite of that, they were regularised from earlier dates whereas the applicant has been regularised w.e.f. 1997. The applicant has therefore filed this OA claiming that the seniority be given from the date of initial appointment i.e. from 26-5-80.

3. The respondent's case is that the applicant has been granted seniority from the date of his regular appointment which was given in the year 1997 vide order dated 1-10-1997 (Annexure R-1). It is also submitted on behalf of the respondents that no juniors to the applicant has been given seniority above the applicant.

4. In absence of counsel for the applicant, pleadings on record has been perused and counsel for the respondents has been heard at length.

5. On perusal of the rejoinder, it is found that the applicant has taken a plea that eight incumbents who have been appointed much after the applicant have been shown senior to the applicant. The names of all these eight incumbents are mentioned in the representation of the applicant (Annexure A-3). It is noticed that the applicant has himself mentioned that those eight persons were regularised between a period from 1985 to 1989. Consequently, these eight persons have to be senior. In para 4.2 of the application, the applicant



has mentioned that the seniority list was issued on 01-7-96 and another list was issued on 01-7-97, but in none of these two seniority list, the applicant's name was included though the names of juniors were recorded therein. If it is so, it was for the applicant to represent against those seniority lists and to challenge/claim name in the seniority list of 1-7-96 and 1-7-97. None of the two seniority list has been challenged even in this OA though this OA has been filed in the year 1999.

6. In this OA also, the applicant has not mentioned the names of any junior who was engaged subsequent to the applicant and regularised earlier. No doubt, a general statement has been made in the OA that junior has been regularised earlier. Such statement would not help unless the specific statement is made with respect to the junior person.

7. It is also seen that though the applicant was regularised vide order dated 1-10-97 (Annexure R-1), the applicant has not challenged the same with respect of antedating the date of regularisation.

8. In view of the discussion made above, we find that the OA has no merit and the same is dismissed accordingly.

Cost easy.


(A.K.BHATT)
MEMBER (A)


(D.C.VERMA)
VICE CHAIRMAN (J)

NK

पृष्ठान्त से ओ/व्या..... जयपुर, दि.....
पत्रिकादि

(1) सचिव, राज्य सरकार, जयपुर

(2) आदेश, जयपुर के काउंसिल

(3) प्रत्येक जयपुर के काउंसिल

(4) बंगला, जयपुर के काउंसिल

सूचना एवं आवश्यक कार्यवाही हेतु

B. K. Rawat
SK. Mukherji AC

Chandra
उप-निर्देश

Issued
on 24-6-03
B