

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 784 of 2000

Jabalpur, this the 24th day of March, 2004

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

Mohd Sadik,  
Aged about 38 years  
S/o Shri Mohd. Siddiqui,  
Senior Section Engineer TRD,  
Nishatpura, Bhopal.

APPLICANT

(By Advocate - Shri S.K. Nagpal)

VERSUS

1. Union of India,  
Though Secretary,  
Ministry of Railways  
Railway Board,  
Rail Bhawan,  
New Delhi.
2. General Manager,  
Central Railways,  
Chhatrapati Shivaji Terminus,  
Mumbai (Mah.)
3. Divisional Railway Manager,  
Central Railways,  
Bhopal(M.P.)
4. Nand Kishore,  
J.E.-II, Office of S.E. TRD,  
Central Railways,  
Obaidulla Ganj,  
Distt. Raisen(M.P.)
5. Nirved Kumar Kakadia,  
Sr. S.E./RC, DRM Office  
Central Railways,  
Habibganj, Bhopal(M.P.)

RESPONDENTS

(By Advocate - Shri S.K. Mukerjee for official respondents.  
Shri L.S. Rajput for private respondents)

ORDER (ORAL)

By M.P.Singh, Vice Chairman -


By filing this OA, the applicant has sought a direction to the respondents to promote him to the post of J.E.-II w.e.f. 16.3.1999 i.e. the date from which his junior Shri Nand Kishore was promoted by order (Annexure-A-4) with all consequential benefits.



3. The brief facts of the case are that the applicant is working as Fitter Gr.I. The grievance of the applicant is that as per letter dated 17.1.92 his seniority has been fixed in the grade Fitter Gr.III between Sl. No. 5 & 6 i.e. Swaroop Chandr Sunder Lal Kuche and above Rakesh Kumar P.R. Shukla. He has contended that the <sup>private</sup>respondent No.4 Shri Nand Kishore Braj Lal has been shown in this seniority list at serial No.7 issued by the respondent, who is Jr. to the applicant. Subsequently, the respondents have called the <sup>private</sup>respondent No. 4, who is shown Jr. to the applicant in the seniority list of Fitter Gr.III for the post of JE Gr.II ignoring the applicant for selection to the post of JE-II. Aggrieved by this, he has filed this OA claiming the aforesaid relief.

4. We have heard the learned counsel for the parties at great length.


5. In the facts and circumstances of the case, we deem it to appropriate to direct the applicant to submit a fresh detailed representation to the respondents about his seniority in the Fitter Gr.III, Gr.II and Gr.I within a period of 2 months from the date of receipt of a copy of this order with a copy thereof to the private respondents Nos. 4 & 5. If he complies with this order, the respondents are further directed to take a decision on the representation of the applicant with regard to fixation of his seniority in Fitter Gr.I, Gr.II and Gr.III in accordance with Rules and law by passing a detailed, reasoned and speaking order within 3 months from the date of receipt of a such representation and give consequential benefits in accordance with Rules and law. The private



respondents No. 4 & 5 are also at liberty to file their representations to the respondents in this regard with a copy to the applicant.

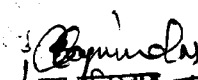
6. With the above direction, the OA is disposed of. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

पृष्ठंकन सं. ओ/सा..... मन्सूर, दि.....  
प. वि. वि. सं. मन्सूर  
(1) ..... मन्सूर  
(2) ..... मन्सूर  
(3) ..... मन्सूर  
(4) ..... मन्सूर  
सूचना एवं आचार्यक कार्यालय

SK Nayyar  
SK Mukherjee  
LS Rajput

  
उप रजिस्ट्रार 2/3/14

Fused  
on  
3/3/14