

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO. 69/2005
WITH
MISC. APPLICATION NO. 186/2006
AND
MISC. APPLICATION NO. 144/2007**

Date of order: 29/01/2010

CORAM:

**HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER**

Barnard Abale S/o Shri Abale Alfonse, by caste Christian, aged 52 years, resident of Railway Qtr. No. 826A, Old Colony, Kota, presently working as Black Smith Grade-II in the office of the Senior Section Engineer, Signal North, Kota.

...Applicant.

Mr. S.K. Jain, counsel for the applicant.

VERSUS

1. Union of India through the General Manager, West Central Railway, Jabalpur (MP).
2. Divisional Railway Manager, West Central Railway, Kota.
3. Senior Divisional Signal & Telecom Engineer, West Central Railway, Kota.

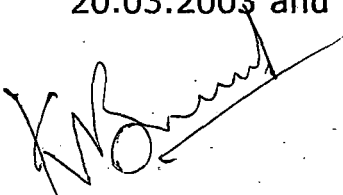
... Respondents.

Mr. Anupam Agarwal, counsel for the respondents.

ORDER

(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

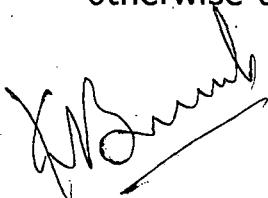
The applicant is aggrieved by the seniority list dated 15.06.1988 vide Annexure A/6 and Annexure A/1 dated 20.03.2003 and wants his seniority to be refixed on the basis of



his appointment which he says is on 10.08.1970. He would also claim seniority in the post of Blacksmith Grade-II and Grade-I over his juniors who have already been promoted as Blacksmith Grade-I and also be allowed to him arrears of salaries and pay fixation along with interest of 18% per annum.

2. The Railways, on the other hand, would say that the service of the applicant was regularized after screening on 16.04.1974 and the seniority list was issued in the year 1979 and the next list was on 29.05.1984. They would say that after 19 years, no seniority position is review-able as it is barred by the doctrine of sit back enunciated by the Hon'ble Supreme Court. They would also raise some objections relating to the documentation produced by the applicant. They would say that Annexure A/5 document was never issued by the answering respondents and they produce the true office order dated 13.12.1973 as Annexure R/1. It is apparently a list of regularization of Casual Labourer and substitutes on the basis of their panel position after screening. The name of the applicant does not find a place in the list. They claim that some action should be taken against the applicant for filing forged documents.

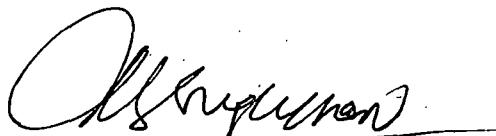
3. The applicant himself would admit that the post of Blacksmith was governed by a selection process and therefore having undergone a selection process and placed in a list, he would now admit that it is not possible for him to claim otherwise and ask for a review of the said seniority awarded to



him based on his performance in the selection process but he would say that his initial appointment runs from 1970 onwards and if be awarded to him now, then some benefits may come his way. He points out that vide a letter dated 07.10.1972 he had been placed in a list for the recruitment of class IV staff / casual labourers but it is pointed out that it is only the list of screening in the order of seniority and as the availability of vacancies and their posting are different, therefore, it appears that none of the reliefs claimed by the applicant can be granted. Therefore, the Original Application fails and is dismissed. There is no order as to costs. The Misc. Applications do not stand screening and are dismissed.



(DR. K.B. SURESH)
JUDICIAL MEMBER



(DR. K.S. SUGATHAN)
ADMINISTRATIVE MEMBER