

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 255/2002

New Delhi this the 31st day of January, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri V.K. Majotra, Member (A)

1. Mukul Kumar  
S/o Shri S.S. Saxena  
R/o 11-D, Sarajini Nagar  
Railway Colony Flats,  
New Delhi.
2. Bijay Kumar  
S/o Shri R.P. Sharma  
R/o B.No. 18A, Rly Colony,  
Kalla Bagh, Gorakhpur.
3. Rakesh M. Gupta  
S/o Late H.R. Gupta  
R/o R-134 Badhwar Park,  
Colaba, Mumbai
4. A.S. Wankhede  
S/o Late S.L. Wankhade,  
R/o RBIW/1/7,  
Mazgaon, Mumbai.
5. Bimal Rautji  
S/o Shri V.P. Rautji  
R/o B.No. 33, RSC/BRC,  
Near Lalbagh
6. Ashok D. Ninane  
S/o Deonath Ninane  
R/o Qr. No. 957/2, South Lallaguda  
Secundrabad.
7. H.S. Raychoudhary  
S/o K.B. Roychoudhary  
R/o Block 20, Flat No.13,  
S.E. Rly North Colony  
Calcutta..
8. Indu Shekhar Upadhyay  
S/o Chandradeo Upadhyaya  
R/o Block 7, Flat 6B,  
Rly Officers Colony  
Calcutta.
9. A.Ratna Raju  
S/o A. Sreerama Murthy  
R/o 628/3, Lancer Barracks  
Rly Qrts  
Secundrabad..
10. Rajiv K. Vyas  
S/o Shri B.L. Vyas  
251-A, Sarita Vihar  
New Delhi.
11. Gayanand Prasad

S/o O.P. Sharma  
R/o 13-A, Tilak Bridge,  
New Delhi.

(2) -Applicants

(By Advocate: Shri B.S. Maine)

Versus

1. Union of India  
through Secretary,  
Ministry of Railway,  
Rail Bhawan, New Delhi
2. Shri Yogendra Kumar  
Deputy Controller (Stores)  
Central Railway  
Chennai.
3. Shri K. Choudhary  
Deputy C.O.  
Eastern Railway  
Jamalpur.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra

Shri B.S. Maine, learned counsel of the applicant heard.

2. MA-249/2002 for joining together is allowed.

3. The applicants have impugned Annexure A-1 dated 4.5.2000 which is provisional seniority list of Junior Administrative Grade officers in Indian Railway Store Service (IRSS) as on 1.3.2000. It is alleged that the applicants have been placed below respondent Nos. 2 and 3 whose date of promotion in Senior Time Scale is 30.4.1988 while the applicants were appointed in junior scale earlier to both of them. The learned counsel stated that Officers of Indian Supply Service (ISS) were absorbed in the Ministry of Railways along with their posts in IRSS.

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4. Annexure A-4 dated 22.11.96 issued by Department of Personnel & Training which lays down the principle of fixing the seniority of ISS Officers is as follows:

"The seniority of ISS Officers who have been transferred from DGS&D to Ministry of Railways along with their work/post leading to their merger at the appropriate level in the IRSS Cadre should be fixed as on the date of merger in the relevant post/grade in IRSS in which their posts have been merged with reference to the date of their regular continuous appointment to that grade/post in ISS subject to maintenance of their original inter-se-seniority in ISS.

In other words, if as on the date of merger, as ISS Officer is in JAG/Senior Scale/Junior Scale, he should be merged in the JAG/Senior Scale/Junior Scale respectively of IRSS and his seniority should be fixed in that grade with preference to the date from which he has been continuously holding on regular basis the JAG/Senior Scale/Junior Scale, as the case may be, in ISS subject, of course, to the maintenance of his inter-se-seniority with other JAG/Senior Scale/Junior Scale ISS Officers".

5. The learned counsel stated that the respondents have not followed the principles laid down in Annexure A-4 for fixing the seniority of Officers of ISS transferred to IRSS and consequently in Annexure A-1 dated 4.5.2000 S/Shri Yogendra Kumar and K. Choudhary who appeared at Sr. No. 37 and 38 have been made senior to the applicants who are shown at Sr. Nos. 40 onwards. The learned counsel stated that the applicants had made representations for redressal of their grievance as per Annexure A-10 dated 16.1.2000 <sup>another, dated</sup> and 29.5.2000, a copy whereof was produced by the learned counsel at the time of this hearing.

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6. In our view, ends of justice will be duly served if at this stage and without issuing a notice to the respondents, they are called upon to decide applicants' representations dated 16.1.2000 and 29.5.2000 by passing a reasoned and speaking order within a period of two months. We direct accordingly.

7. Copy of applicants' representation dated 29.5.2000 and this OA be sent to the respondents to be treated as supplementary representation.

8. OA is disposed of in the above terms. No costs.

V.K. Majotra

(V.K. Majotra)  
Member (A)

Ashok Agarwal

(Ashok Agarwal)  
Chairman

cc.