

Central Administrative Tribunal, Principal Bench

Original Application No.2974 of 2001

M.A.No.2412/2001

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New Delhi, this the 1st day of November, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

1. Shri R.N. Singh
53-D, Railway Colony
New Delhi

2. Shri Vijay Nathawat
C/o Shri R.N. Singh
53-D, Railway Colony
New Delhi

- Applicants

(By Advocate: Shri A.K. Behera with Shri Kaviraj Singh)

Versus

1. Union of India
Through Secretary
Railway Board, Rail Bhawan
New Delhi

2. Director
Indian Railway Institute of Civil Engineering
Pune

3. Vinay Singh, IRSE
Director, RDSO
Lucknow

4. R.K. Jain, IRSE,
C/o General Manager
Western Railway, Mumbai

5. S.K. Jha, IRSE
C/o General Manager
Eastern Railway, Calcutta

6. S.K. Lohia, IRSE,
C/o General Manager
Northern Railway, Delhi

7. K.K. Agarwal, IRSE
C/o General Manager
Northern Railway, Delhi

8. M.G. Banga, IRSE
Dy. Secretary
Ministry of Mines, New Delhi

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

M.A.2412/2001 for joining together in a single

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application, is allowed.

2. Applicants in the present OA had been appointed to the Indian Railway Engineering Service (in short 'IRES') on 13.6.88 as direct recruits. They had been selected through an examination conducted by the Union Public Service Commission (in short 'UPSC'). After being appointed, a seniority list had been prepared on the basis of the merit acquired by various candidates in the examination held by the UPSC in 1986. Applicants were thereafter promoted to the senior scale in 1994 on the basis of the seniority fixed on the basis of merit at the UPSC examination. However, a fresh seniority list has been prepared on 9.5.2000 whereby the order of seniority has been altered to the detriment of the applicants. This has been done after a lapse of 12 years. In the fresh seniority list which has been prepared, marks obtained by the candidates in the probationary examination has also been clubbed together with the marks obtained at the examination conducted by the UPSC and thereafter, inter-se seniority has been accorded. Aforesaid seniority list of 9.5.2000 is impugned by the applicants in the present OA. According to the applicants, if one has regard to the recruitment rules, it is only the marks which are obtained at the UPSC examination which are relevant for the purpose for reckoning inter-se seniority. Aforesaid seniority list of 9.5.2000 is accordingly impugned by the applicants in the present OA. They have sought directions for recasting the seniority list by showing applicant no.1 at his original position at serial no.5 and applicant no.2 at his

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original position at serial no.12.

3. A similar issue had arisen for consideration of this Tribunal in the case of Ms.Manisha Sharma & ors. vs. Union of India & ors. (O.A.No.1659/93 with OA-2141/97) decided on 10.9.99 which case related to Indian Railway Accounts Service. By the aforesaid order, the contention which has been raised by the applicants in the present OA, has been upheld.

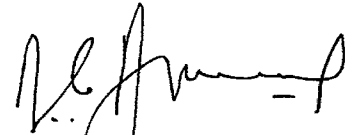
4. In regard to the aforesaid controversy, applicants have submitted their representations (pages 56, 58 and 59). No decision thereon has so far been taken and respondents are proceeding to direct promotions based on the impugned seniority list of 9.5.2000.

5. In view of the aforestated facts, we find that interests of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices with a direction to respondents to decide the aforesaid representations by passing a reasoned and a speaking order expeditiously and in any event within a period of three months from the date of service of a copy of this order. Pending the decision on the said representations, respondents are restrained from directing promotions based on the aforesaid seniority list of 9.5.2000.

Issue DASTI order.



(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

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