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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 310/97

New Delhi this the 8th day of May 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Hari Shankar Tiwari
WTMA, Grade I, Mathura in
Microwave, Central Railway,
Mathura, U.P.

...Applicant
(By Advocate: Shri H.K. Gangwani)

Versus

Union of India, through

1. Chairman, Railway Board,
Ministry of Railway, Rail Bhawan,
New Delhi.
2. General Manager, Central Railway,
Bombay VT, Bombay.
3. Divisional Railway Manager,
Central Railway, Jhansi.

...Respondents

(By Advocate: None)

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

The applicant has filed this application claiming that the respondents had wrongly fixed his seniority as MCM(MW) in the grade of Rs. 1400-2300.

2. According to the applicant in the aforesaid seniority list, he has been placed at serial No. 29 whereas his juniors have been placed at serial Nos. 27 and 28 illegally. We have perused the pleadings and heard Shri H.K. Gangwani, learned counsel for the applicant. None has appeared for the respondents even on the second call.

3. Learned counsel for the applicant has drawn our attention to the reply filed by the respondents on 14.10.97 in which they have, inter alia, stated that the case of the applicant is being examined and necessary information is being collected, after which they will take an appropriate decision in the matter. Learned

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counsel has submitted that no such decision referred to in the reply has been communicated to the applicant so far and it is, therefore, presumed that a final decision regarding the applicant's claim has not been taken by the respondents till now. It is also seen from Para-6 of the reply that the respondents have stated that the applicant has rushed to the Tribunal without waiting for their reply with respect to his seniority which was still under examination. As more than two years have lapsed since the reply has been filed by the respondents, presumably a final decision in the matter would have been taken by them by now. However, as none has appeared for the respondents, we have not been apprised of the present position.

4. In the above facts and circumstances of the case, the O.A. is disposed of with the following directions:-

- i) Respondents shall communicate the final decision taken in the matter of the seniority of the applicant in the Grade of MCM(MW) immediately, if not already done;
- ii) In case the final decision referred to in their reply has still not been taken, they shall do so within two weeks from the date of receipt of a copy of this order with intimation to the applicant immediately thereafter;
- iii) In case the claim of the applicant for seniority is accepted by the respondents, he shall be entitled to all consequential benefits in accordance with the relevant rules and instructions.
- iv) No order as to costs.

V.K.Majotra
(V.K. MAJOTRA)
MEMBER (A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

cc.