

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

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DATED THIS

5th June 1992

Present:

Hon'ble Justice Shri Ram Pal Singh .. Vice-Chaifman (J)  
Hon'ble Shri P.S. Habeeb Mohamed .. Member (A)

APPLICATION No.1259/1988

Ram Singh, .. Applicant  
S/o Shri Sohan Lal,  
Chief Ticket Inspector,  
Northern Railway,  
New Delhi.

( Shri B.S. Mainee, Advocate )

v.

1. The General Manager, .. Respondents  
Northern Railway,  
Baroda House,  
New Delhi.

2. The Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

3. Shri Sabir Ali,  
S/o Shri Shamshuddin,  
R/o 24-E Mahabat Khan Road,  
Railway Colony,  
New Delhi

( Mr. D.P. Kshatriya, Advocate )

This application having come up for orders  
before this Tribunal today, Hon'ble Shri P.S. Habeeb  
Mohamed, Member (A), made the following:

O R D E R

1. Shri Ram Singh, Chief Ticket Inspector, Northern  
Railway has filed this application under section 19 of  
the Administrative Tribunals Act with the prayer for

...2/-

for the issue of directions by the Tribunal quashing Annexure <sup>b</sup> ~~A-2~~, a letter from the 2nd respondent, <sup>which alters</sup> confirming <sup>ation of</sup> the reassignment of his seniority, earlier determined in letter No. 758-E/43/X/A/P-2 dated 9/9/1987, which was superseded by another letter of the Railways No. 729-E/26/2104/11/P-2 dated 22/3/1988. The impugned order from the 2nd respondent dated 9/6/1988 (13-A) reads as follows:

"In supersession of this Office Notice No. 729-E/26/2104/11/P-2 dated 22-3-1988, the seniority assigned to Shri Ran Singh/Solan Chief Ticket Inspector, New Delhi vide this office letter No. 758-E/43/X/A/P-2 dated 9-9-1987 will prevail."

This impugned order is in modification of the earlier letter of railways dated 18/3/1988 in which his seniority as C.T.I/NDLS has been correctly assigned. The prayer is for restoration of his seniority vide the earlier letter of 18/3/1988 which reads as follows:

"In continuation of this office letter of even number dated 6.1.1988 the objections were called for regarding assignment of seniority to Shri Ran Singh, CTI/NDLS. Only two objections of S/Shri S.C. Bhatnagar, CTI/NDLS & Sabir Ali, CTI/DLI were received in this office, which have been examined and overruled. The seniority assigned to Shri Ran Singh issued vide this office letter No. 729-E/26/2104/ dt. 6.1.1988 is treated as final."

Consequent upon the finalization of seniority of Shri Ran Singh, CTI/NDLS, he is deemed to be promoted at par with his junior Shri Ram Dhan, in grade Rs. 250-380, w.e.f. 10-7-64 and as TTI/CTI gr. R. 550-750 and 700-900 respectively w.e.f. 1.1.1979 and is due preforma pay fixation in gr. Rs. 250-380, 550-750 & 700-900 at par with his junior Shri Ram Dhan, which will be fixed after vetting of accounts."

2. The case of the applicant is that as per decision of the Hon'ble Punjab & Haryana High Court he was entitled to be absorbed as Ticket Collector in the scale of Rs. 130-212 (Rs. 330-560) with effect from

...3/-

the date the grade was held by him and the Railway Administration was directed to treat his status as such and grant him consequential benefits.

3. <sup>averment</sup> The applicant is made, in the application, that <sup>was</sup> he is qualified in the selection of Head Ticket Collector in the grade of Rs. 425-640 at the very first attempt in 1976 and he was entitled to be put in the panel above his juniors. The <sup>averment</sup> is also made that the Headquarters Office of the Railways decided to assign his seniority in the Ticket Checking staff from the date of his appointment, that is from 18/5/65 in terms of the General Manager's circular dated 12/11/1971 and the authorities <sup>has</sup> decided that he should be given preforma seniority in the grade of Rs. 425-640 and Rs. 550-750 from the date of the promotion of his immediate juniors. Respondent No.2 issue a seniority list of Chief Ticket Inspectors in the scale of Rs. 700-900 on 9/9/1987 in which the applicant was shown at Sl.16 whereas his junior Ram Dhan was shown as Sl.1. The seniority list circulated on 9/9/1987 (Annexure 5) shows Ram Dhan at the top, <sup>and</sup> one Sabir Ali (Respondent No.3) at Sl.4 and the applicant <sup>at Serial 16.</sup> He protested against this seniority list in which he was shown as junior to Ram Dhan. After considering his representation, respondent 2 issued an amendment to the seniority list in terms of his letter dated 6/1/88 (Annexure A.7) in which he was shown at serial ~~244/A~~ <sup>I</sup> and Ram Dhan was shown below him at Item 1/A. Vide Annexure A-II the applicant was also informed that the seniority assigned to him has to be treated as final. However, to his surprise he found that the impugned order dated 9/6/88 has been issued giving him lower


lower seniority and placing him below Ram Dhan and the 3rd respondent Sabir Ali. Being aggrieved he has filed this application with the prayer as mentioned earlier.

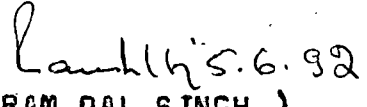
4. In the reply filed by the respondents 1 and 2, it is stated that the petitioner did not qualify in the selection in 1976 and the point is made that, as <sup>for</sup> ~~per~~ the seniority list, dated 8/1/88 and 18/3/88 are concerned, <sup>on</sup> ~~on~~ representation of staff and examining the facts <sup>by</sup> ~~of~~, the competent authority, the seniority list of 8/1/88 and 18/3/88 were withdrawn being erroneous and were treated as cancelled vide the impugned order dated 9/6/88. The 3rd respondent has also filed the reply. But the main points are covered in the reply of the official respondent.

5. We have heard the learned counsel Shri Mainee for the applicant and Shri Shashi Kiran for the official respondents.

6. On going through the averments and after hearing the respective counsels we find that the principles of natural justice have been violated in issuing the impugned order dated 9/6/88 <sup>in</sup> ~~and~~ that no notice has been given to the applicant. It was stated that an error can be corrected by the administrative authority and for this purpose it was not necessary to completely take the employee into confidence. We are unable to agree with this contention of the official respondents and have no hesitation, while leaving the issues open, to quash the impugned order dated 9/6/88 and restore the earlier letter dated 18/3/88 in which his seniority was assigned (Annexure A.II). The impugned order is accordingly quashed and respondents 1 & 2 may take appropriate action after

giving notice to the applicant and disposing of <sup>his</sup> ~~this~~ case. If the applicant is still aggrieved by the orders which may be passed by the respondents, he may approach the proper forum for relief. The application is disposed of accordingly. The matter should be finally disposed of by the respondents within a period of 4 months with effect from the date of receipt of a copy of this order. No other relief can be granted to the applicant. There will be no order as to costs.

  
( P.S. HABEEB MOHAMED )  
Member (A)

  
( RAM PAL SINGH )  
Vice-Chairman (J)