

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/01762/2018
AND
MISCELLANEOUS APPLICATIONS NO.170/554/2018 & 170/26/2019**

DATED THIS THE 22nd DAY OF DECEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Dinesh Kumar
S/o Bindeshwar Bhagat
Aged about 33 years
Working as Loco Pilot Goods
South Western Railway, Harihar
R/a 1st Main, 1st Cross
Kesva Nagar, Patel Street
Harihar.

...Applicant

(By Advocate Shri B.S.Venkatesh Kumar)

Vs.

1. Union of India represented by
General Manager
South Western Railway
Headquarters Office
Gadag Road
Hubli-580 020.

2. Senior Divisional Personnel Officer
South Western Railway
Mysore Division
Mysore-570 021.

3. Divisional Personnel Officer/Mys
Divisional Office, Mysore Division
South Western Railway, Mysore.

4. Railway Board represented by
its Chairman
Ministry of Railways
Rail Bhavan
New Delhi-100 001.

5. Surendra Kumhare
S/o Makhanala Kumhare
Aged about 41 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

6. Sarat Kumar Mallick
S/o Chaitanya Mallick
Aged about 35 years
Working as Loco Pilot (Goods)
O/o CCRC, Harihar Depot
South Western Railway
Harihar.

7. Chandrasekhar Madar
S/o Satyappa
Aged about 38 years
Working as Loco Pilot (Goods)
O/o CCRC, Harihar Depot
South Western Railway
Harihar.

8. Ravindra Kumar
S/o Bachu Singh
Aged about 39 years
Working as Loco Pilot (Goods)
O/o CCRC, Sakleshpur Depot
South Western Railway
Sakleshpur.

9. Suresh Kumar R.
S/o Raghavan N
Aged about 46 years
Working as Loco Pilot (Goods)
O/o CCRC, Harihar Depot

South Western Railway
Harihar.

10. Surendra Kumar Varma
Father's name not known
Aged about 36 years
Working as Loco Pilot (Goods)
O/o CCRC, Sakleshpur Depot
South Western Railway
Sakleshpur.

11. Chandraprakash
S/o Gyan Das
Aged about 37 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

12. Bisheshwer Kumar
Father's name not known
Aged about 38 years
Working as Loco Pilot (Goods)
O/o CCRC, Harihar Depot
South Western Railway
Harihar.

13. Dharmendar Pal
Father's name not known
Aged about 37 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

14. Ajai Kumar
Father's name not known
Aged about 38 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

15. R.Mahesh
S/o. R.Dhananjay
Aged about 35 years
Working as Loco Pilot (Goods)
O/o CCRC, Harihar Depot
South Western Railway
Harihar.

16. Sunil Xalxo
S/o Peter
Aged about 34 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

17. Rajeev Oraon
Father's name not known
Aged about 32 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

18. K.Kesavan
S/o. D.Krishnan
Aged about 38 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

19. S.Balamurugan
Father's name not known
Aged about 35 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

20. S.Bhaskar
S/o G.Sargunam
Aged about 38 years

Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

21. Mopuri Kishore
S/o M.Venkataramana
Aged about 39 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

22. Pappu Ram Meena
Father's name not known
Aged about 30 years
Working as Loco Pilot (Goods)
South Western Railway
Chickjajur, Chitradurga Distt.

23. Netram Meena
Father's name not known
Aged about 36 years
Working as Loco Pilot (Goods)
O/o CCRC, Arsikere Depot
South Western Railway
Arsikere.

...Respondents

(By Advocate Sri N.Amaresh)

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- a. Call for records of the case from the respondents and on perusal

- b. Quash and set aside the seniority lists bearing No.Y/P.608/V/13/LP(G)/Vol.VIII dated 22.11.2016 (Annexure-A2) and No.Y/P.608/V/13/LP(G)/Vol.VIII dated 17.2.2017 (Annexure-A5) and No.Y/P.612/V/Vol.XVII dated 31.1.2018(Annexure-A8) all passed by 2nd respondent in so far as they relate to giving accelerated promotion and assignment of higher seniority to respondents 5 to 23 while promoting them from Assistant Loco Pilots to Senior Assistant Loco Pilots and from Senior Assistant Loco Pilots to Loco Pilot(Goods) by providing reservation and being against the principles laid down in Panneer Selvam's case
 - c. Issue a consequential direction to the respondents to accord promotion to the applicant from the date his immediate juniors were granted respective promotions and further to maintain seniority list without providing reservation to SC/ST persons.
 - d. Grant such other relief/s as this Hon'ble Tribunal deems fit to grant to the applicant including an order as to costs of this OA in the interests of justice.
2. At the very outset, Shri B.S.Venkatesh Kumar, learned counsel representing the applicant, submitted that the matter is squarely covered by an order dated 04.03.2020 passed by this Tribunal in OA.No.1763/2018 whereby the seniority list impugned herein has been quashed.
3. The fact as stated by Shri Venkatesh Kumar has not been disputed by Shri N.Amaresh, learned counsel representing the respondents.
4. A perusal of the order dated 04.03.2020 passed by this Tribunal in OA.No.1763/2018 reveals that while quashing the seniority list, a further direction was also given to the respondents to take necessary steps with respect to promotion of the applicant therein from the date when his immediate juniors were

granted respective promotions.

5. Accordingly, the present Original Application is disposed of with a direction to the respondents to consider the applicant's case for promotion from the post of Loco Pilot(Goods) to Loco Pilot (Passenger) from the date when his immediate juniors were granted respective promotions. Let this exercise be undertaken within a period of six(6) weeks from the date of receipt of a certified copy of this order.

6. Since the Original Application itself has been disposed of, therefore, nothing survives in the pending Miscellaneous Applications No.554/2018 & 26/2019 and those are also disposed of having been rendered infructuous.

7. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/