

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA. No. 2585/93

Dated this the 14th of November, 1994.

Shri N.V. Krishnan, Hon. Vice Chairman(A)  
Shri C.J. Roy, Hon. Member(J)

Shri Bani Singh  
S/o Shri Lekh Raj Singh,  
Head Clerk, Refund Branch,  
Northern Railway, Hd.Qrs. Office,  
Baroda House, New Delhi.

R/o New Extention Colony,  
Back Nishant Public School,  
Rasulpur Road, Palwal (Haryana).

...Applicant

By Advocate: Shri M.L. Sharma.

versus

1. Union of India through

General Manager,  
Northern Railway, Hd.Qrs. Office,  
Baroda House, New Delhi.

2. Chief Personnel Officer,  
Northern Railway Hd.Qrs. Office,  
Baroda House, New Delhi.

3. Shri O.P. Khosla, Head Clerk/Asstt. Supdt.  
C/o Supdt. Refund Branch,  
Northern Railway, Hd.Qrs. Office,  
Station Building, New Delhi. ...Respondents

By Advocate: Shri Romesh Gautam, for official respondents  
Shri S.K. Sawhney, for respondent No.3.

O R D E R (Oral)

By Shri N.V. Krishnan.

The applicant is a Head Clerk in the Northern Railway with the 2nd respondent. He is aggrieved by the seniority list assigned to him in the recasted provisional list of the Head Clerks circulated by letter dated 6.8.93 (Annexure-I) particularly with reference to the position assigned in that seniority list to the 3rd respondent. He points out that while he has been shown at Sl.No.33 of that list, the 3rd respondent has been shown at Sl.No.18. Being aggrieved by this decision he has filed this OA for quashing the impugned Annexure A-1 seniority list and to direct the respondents to grant him promotion as Assistant Superintendent at par with his junior Shri O.P. Khosla.

2. Respondent No.1&2 have filed their reply contesting this case. 3rd respondent has also filed a similar reply. The applicant has filed a rejoinder to these replies in which he has brought on record the letter dated 26.4.94 of the 1st respondent by which the seniority list of Head Clerks circulated on 28.2.91 and again on 6.8.93 which is the impugned Annexure A.1, have been treated as cancelled and instead, a revised seniority list was enclosed and it was directed that this should be got noted by the staff and objections, if any, should be forwarded (Annexure-1). In that seniority list, the applicant has been placed at Sl.No.2 while Shri D.P. Khosla, 3rd respondent, has been placed at Sl.No.2-A. Subsequently, objections were invited and considered and a final order was passed by the 1st respondent on 19.7.94 (Annexure A-16). In that final seniority list, the applicant has been shown at Sl.No.27 while the 3rd respondent has been shown at Sl.No.28.

3. When the matter came up for admission today, the learned counsel for the applicant submitted that as the applicant's claim in respect of seniority against the 3rd respondent has ~~now~~ <sup>& now</sup> never been conceded by the Annexure A.16 order, the respondents should now be directed to take further action to consider the applicant's case for promotion to the rank of Assistant Superintendent, because the 3rd respondent Shri O.P. Khosla, his junior, has already been promoted as Assistant Superintendent by the Annexure A-2 order dated 15.10.93.

4. The official respondents have not cared to file any supplementary affidavit after the fresh documents were brought on record by the applicant in this regard. The only plea of the learned counsel for the 3rd respondent is that he has already been promoted and whatever be done to the applicant, his promotion should not be affected.

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5. Having heard the parties and considered the matter, we are of the view that as the seniority of the applicant has been revised, he is entitled to be considered for promotion when his junior Shri Khosla was considered and given promotion. As the seniority matter has already been settled, the only direction to be given to respondents No.1&2 is to consider the case of the applicant also for promotion as Assistant Superintendent with effect from the date, the 3rd respondent was given promotion as Assistant Superintendent, in accordance with law, with all consequential benefits. The official respondents shall communicate the decision in this regard within a period of 2 months from the date of receipt of a copy of this order. OA is disposed of accordingly.

*W.S.*  
(C.J. ROY)  
MEMBER (J)

/kam/

*Ch* 14.11.94  
(N.V. KRISHNAN)  
VICE CHAIRMAN (A)