

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

(14)

Dated: Allahabad, This The 20th Day of October, 2000.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Biswas, A.M.

Original Application No. 115 of 1996.

~~Bainath Prasad
son of Basu
Office Superintendent Grade-II,
Under Senior Divisional Engineer,
Eastern Railway,
Mughalsarai,
Varanasi.~~

. . . Applicant.

Counsel for the Applicant: Sri Deva Sharma,
Sri P.K. Kashyap,
Sri Sajnoo Ram.

Versus

1. Union of India through the General Manager,
Eastern Railway, 17, Neta Jee Subhash Road,
Calcutta.
2. Senior Divisional Personnel Officer, Eastern
Railway, Mughalsarai.

. . . Respondents.

Counsel for the Respondents: Sri A.K. Gaur, A dv.

Order (Open Court.)

We have heard Sri Sajnoo Ram for the applicant
and Sri A.K. Gaur for the respondents.

2. This application under section 19 of the
Act has been filed questioning seniority list
dated 1.1.96 in which the applicant has been shown



(15)

at serial No. 38. However, during pendency of the application applicant retired from service as Office Superintendent Grade-II in the scale of Rs.1600-2660.

3. In para 10 of the counter affidavit, it is clearly admitted that since applicant worked as Head Clerk and Office Superintendent Grade-II and got payment as such question for recovery of over-payment does not arise. He has also ~~not~~ ^{yet} been reverted to the lower post. In these circumstances, in our opinion the seniority list now published can not ~~be~~ affect ^{the} applicant's pension or other retiral benefits. Both the learned counsels have agreed to this position and in the circumstances, it is not necessary for this Tribunal to decide the question about legality of the seniority list.

4. The application is accordingly disposed of finally. There shall be no order as to costs.

S. B...
Member (A.)

J
Vice Chairman

Nafees.