

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH**

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**Original Application No. 1212 of 1997**

Thursday, this the 07<sup>th</sup> day of May, 2009

**Hon'ble Mr. Justice A.K. Yog, Member (J)**  
**Hon'ble Mrs. Manjulika Gautam, Member (A)**

1. Shashi Bhushan a/a 48 years S/o Late Siya Ram Pathak Guard Grade 'A', Bareilly, Northern Railway, Moradabad Division, R/o 660, Sikalapur, Bareilly.
2. Vinod Kumar Srivastava a/a 40 years, S/o Late Dalpat Rai Srivastava, Guard Grade 'A', Moradabad, Northern Railway, Moradabad, R/o E 66 F, Parkar College Road, Moradabad.

Applicants

By Advocate: Sri T.S. Pandey

Vs.

1. Union of India through Secretary, Ministry of Railways, Rail Bhawan, New Delhi-110001.
2. Union of India, through Chairman, Railway Board, Rail Bhawan, New Delhi.
3. General Manager, Northern Railway, Rail Bhawan, Barauda House, New Delhi.
4. Executive Director Estt. (Rls), Railway Board, New Delhi.
5. Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
6. Indrajeet Singh, Guard Grade 'A', Moradabad Division, Moradabad.
7. Ghan Shyam Das, Guard Grade 'A', Moradabad Division, Moradabad.
8. P. Topano, Guard Grade 'A', Moradabad Division, Moradabad.

Respondents

By Advocate: Sri Prashant Mathur (For Respondent No. 1 to 5)  
Sri P.K. Kashyap. (For Respondent No. 6 to 8)

**ORDER**

**Delivered by Justice A.K. Yog, J.M.**

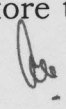
Heard Sri T.S. Pandey, Advocate/Counsel for the applicants and Sri Prashant Mathur, Advocate/Counsel appearing for the respondents and perused the documents on record.

2. Without placing basic facts and submission of learned counsel, it will suffice to mention that applicants' counsel has fairly conceded that earlier, matter was heard at length, and Written Arguments were required to be filed vide Order dated 10.03.2008, same is on record. We have gone through the Written Arguments and found that after filing of present O.A. in 1997, there has been spate of litigation in the shape of O.A. and the law has also been materialized by the Hon'ble Supreme Court, particularly in the case of "M. Nagaraj and others vs. Union of India and others 2007 (1) U.P. Local Bodies and Educational Cases pg. 129", Photostat copy of the said Judgment has also been annexed along with the Written Arguments. We are also informed that O.A. under Section 19 of the Administrative Tribunals Act, 1985, has been filed by All India Equality Forums, and therein 19<sup>th</sup> May 2009 is fixed, in the matter of fixation of seniority.

3. It is not disputed before us that in case aforesaid O.A. is allowed, seniority list will have to be re-casted.

4. Besides the above, we find that impugned seniority list (in the present O.A.) pertains to the year 1993. Apparently much water has flown; drastic changes by passage of time taken place, and in case seniority list has not been re-casted 'periodically', as per rules dealing with preparation of seniority.

5. Be that as it may, we find that this O.A. has lost efficacy. Let the applicants approach the respondents' authority placing their grievance [including subsequent developments as disclosed in Written Arguments, filed in this O.A.), so that the authority in question may apply their mind and pass appropriate order and finalize seniority list in accordance with law. It is made clear that we have not entered into merits of the O.A. The applicants are entitled to raise their grievance before the department by joining the



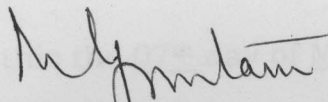


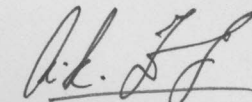
proceedings before the Principal Bench in the O.A. filed by All India Equality Forums.

6. With the above observation, O.A. stands disposed of. No order as to costs.

Original Application No. 1212 of 1997

Thursday, 11 May 2009

  
Member (A)

  
Member (J)

Hon'ble Mr. Justice A.K. Jais, Member (J)  
Hon'ble Mrs. Manjula Gautam, Member (A)

/M.M./

1. Shashi Bhushan a/a 42 years S/o Late Siya Ram Pathak  
Guard Grade 'A', Bareilly, Northern Railway, Moradabad  
Division, R/o 660, Sikahapur, Bareilly.

2. Vinod Kumar Srivastava a/a 40 years, S/o Late Dalpat Rai  
Srivastava, Guard Grade 'A', Moradabad, Northern Railway,  
Moradabad, R/o E 66 F, Parker College Road, Moradabad.

By Advocate, Sri T.S. Pandey

Vs.

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2. Union of India, through Chairman, Railway Board, Rail  
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3. General Manager, Northern Railway, Rail Bhawan, Baraunda  
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Moradabad.

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Moradabad.

8. P. Topano, Guard Grade 'A', Moradabad Division, Moradabad.

By Advocate: Sri Prashant Malhotra For Respondent No. 1 to 3  
Sri P.K. Kashyap For Respondent No. 6 to 8