

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.357 of 1997.

Allahabad this the 25th day of July 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.D.R. Tewari, A.M.

Jitendra Kumar Bhattacharya
son of late Mukund Chand Bhattacharya,
resident of 77/648 Colenelganj,
Allahabad.

.....Applicant.

(By Advocates: Sri T.S. Pandey/Sri V.K. Srivastava)

Versus.

1. Union of India
through its General Manager,
Northern Railway, Baroda House
New Delhi.
2. Divisional Rail Manager,
Northern Railway,
Allahabad.
3. Senior Divisional Personnel Officer,
Northern Railway,
Allahabad.
4. Senior Divisional Operating Manager,
Northern Railway,
Allahabad.

.....Respondents.

(By Advocate : Sri P Mathur)


_O_R_D_E_R_

(Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A. filed under section 19 of
Administrative Tribunals Act 1985, the applicant
has prayed to quash the order dated 05.7.1996

(Annexure 3) by which the applicant has been reverted
by 2 grades on the basis of change in the seniority
list which ^{was} made effective from the date 18.11.1996.

Applicant has also challenged the order dated



27.01.1997 by which seniority position has been changed and seniority list was given effect to.

2. Learned counsel for the applicant has submitted that the controversy involved in this O.A. has also been considered by this Tribunal in O.A. No.1660 of 1994 and O.A.No.1095 of 1997 and relief has been granted to applicants in the aforesaid O.As. A copy of judgment has been placed before us, from perusal of which it appears that this Tribunal, after considering the judgment of Hon'ble Supreme Court in case of Smt. Anuradha Mukherjee, ~~case~~ reported in 1996 SCC (L&S) 1187, found that in terms of para ^{Indian} 302 of Railway Establishment Manual Vol-1, inter se seniority between the promotees and direct recruits has to be determined in alternative. In other words the promotees shall be ^{shown} ~~be~~ at ~~the~~ first, thereafter direct recruits shall be mentioned. This Tribunal passed the following orders:

"For the reasons stated above, both O.As are disposed of on the following terms:-

- (i) The seniority list drawn on 17.12.1996 shall be re-casted in terms of judgment in case of Smt. Anuradha Mukherjee's case and the applicants shall be placed at their appropriate places according to that judgment and in terms of the rules contained in para 302 of I.R.E.M Vol-1.
- (2) The orders of reversion dated 03.10.1997 are set aside. The applicants shall be restored to the position of O.S.Gr.II. However, it shall be subject to further orders passed on re-casted seniority.

The orders shall be carried out within four months from the date of communication of this order. No order as to costs".

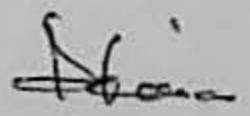
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3. In our opinion, the applicant is entitled for the same relief. The O.A. is accordingly allowed. The orders dated 05.07.1996 and 18.11.1996 reverting the applicant ^{are} ~~is~~ quashed. Applicant shall be restored to the position of O.S. Grade II. However, it shall be subject to the further order on the re-casted seniority list.

4. The seniority list drawn on 18.11.1996 and effective from ~~the~~ date given on 27.01.1997 shall be re-casted in terms of judgment in case of Smt. Anuradha Mukherjee's ~~case~~ ^{case} and the applicant shall be placed at the ^{cl} ~~the~~ appropriate place according to that judgment and in ~~terms~~ ^{cl} of the rules contained in para 302 of I.R.E.M Vol.1

5. The order shall be carried out within 4 months from the date of communication of this order.

No order as to costs.


Member-A.


Vice-Chairman.

Manish/-