

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 22nd day of August 2003.

Original Application no. 1289 of 1998.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Smt. Laxmi Pathak, W/o late P.C. Pathak,
Head Reservation-Cum-Inquiry Clerk, Northern Railway
Station, Bareilly Junction Bareilly.

... Applicant

By Adv : Sri R.D. Agarwal, Sri Neeraj Agarwal

Versus

1. Union of India, through the General Manager,
Northern Railway, Headquarters Office, Baroda House,
New Delhi.
2. The Divisional Railway Manager, Northern Railway,
Moradabad.
3. Sri R.K. Jatav, Reservation-cum-Inquiry Clerk,
Northern Railway Station, Shahjahanpur.
4. Sri S.B. Agarwal, Reservation-cum-Inquiry Clerk,
Northern Railway Station, Bulandshahar.
5. Sri S.S. Agarwal, RBC/N. Rly., Bareilly.

.... Respondents

By Adv : Sri A.V. Srivastava

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, VC.

By this OA, filed under Section 19 of the A.T. Act,
1985, the applicant has prayed to quash order dated 17.8.1998
(Ann A1) and to decide the seniority of the applicant vis-a-vis
respondents no. 3, 4, and 5.

2. The facts of the case are that before filing this

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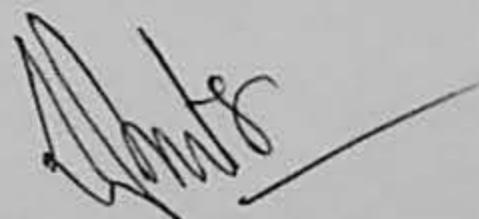
OA the applicant filed OA no. 436 of 1990 in this Tribunal which was decided on 17.3.1997 (Ann A5). This Tribunal disposed of OA no. 436 of 1990 with following directions:-

"In view of the above we are not inclined to issue directions as prayed for. We, however, provide that respondents will consider the desirability of examining the case of the applicants with regard to their seniority in the light of the discussions made above after giving due opportunity to those whose interest is likely to be adversely affected."

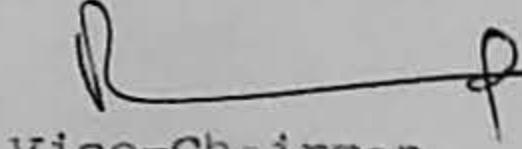
In pursuance of the aforesaid order, the case of the applicant has been considered. The notices were issued to all those who could be adversely affected by the order. They filed their representations. In fact the seniority has been determined in pursuance of the Rules on the subject in terms of instructions contained in PS no. 11039 of 1995 which deals with the seniority of the surplus staff on redeployment as given in para 3.11 of IREM. The applicant could not be given seniority above the respondents no. 3 to 5 who have rendered more service in comparison to applicant and on being rendered surplus have been redeployed on Enquiry-cum-Reservation Clerk.

3. In the circumstances, we do not find any error in the order. The OA has no merit and the same is dismissed accordingly.

4. There shall be no order as to costs.



Member-A



Vice-Chairman

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