

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1410 of 1998.

Allahabad this the 15th day of September, 2004.

Hon^{ble} Mr. Justice S.R. Singh, Vice-Chairman.
Hon^{ble} Mrs. Roli Srivastava, Member-A.

Bal Krishna Mishra
son of Shri Rama Shanker Mishra
aged about 37 years,
resident of Railway Colony, Shankergarh.

.....Applicant.

(By Advocate : Sri S.S. Sharma)

Versus.

1. Union of India owning and representing 'Central Railway', notice to be served to - The General Manager, Central Railway, Headquarters Office, Chatrapati Shivaji Terminal, MUMBAI.
2. The Chief Signal & Telecommunication Engineer, Central Railway, Headquarters Office, MUMBAI.
3. The Divisional Railway Manager, Central Railway, D.R.M. Office, JABALPUR.
4. The Senior Divisional Signal and Telecommunication Engineer, Central Railway, D.R.M. Office, Jabalpur.

.....Respondents.

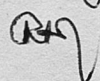
(By Advocate : Sri G.P. Agrawal)

O R D E R

(By Hon^{ble} Mr. Justice S.R. Singh, V.C.)


Heard Sri S.S. Sharma learned counsel for the applicant, and Sri G.P. Agarwal learned counsel for the respondents and perused the pleadings.

2. The applicant herein has instituted this O.A. for various reliefs but during the course of argument, Sri S.S. Sharma learned counsel for the applicant stated at bar that the reliefs claimed by the applicant may be confined to the following reliefs:



- "(a) That the Hon^{ble} Tribunal may graciously be pleased to direct the respondents to fix/assign seniority of the applicant correctly first as Signal Inspector Gr. III/Jr. Engineer (Signal) Gr. II in pay scale of Rs.1400-2300/- (RPS) and thereafter on the basis thereof to fix his seniority correctly in subsequent higher grades.
- (b) That the Hon^{ble} Tribunal ^{may} graciously be pleased to direct the respondents to promote the applicant as Jr. Engineer Gr. I in grade Rs.1600-2660/- (RPS) and Section Engineer (Signal) in grade Rs.2000-3200/- (RPS) on the basis of the revised seniority from the dates juniors to the applicant were promoted in higher grades".

3. It would thus, be evident that the relief claimed primarily relates to fixation of seniority of the applicant in the cadre of Signal Inspector Grade III re-designated as Junior Engineer (Signal) Grade II. It is not disputed that the tentative seniority list (Annexure A-2 of the Signal Inspector Gr. III Rs.1400-2300 (RPS), as on 01.04.1991, was circulated vide letter dated 30.04.1991 (Annexure A-2). By means of said notification, objections were invited by the concerned staff. The applicant, it appears, filed a representation, a copy of which has been annexed as Annexure A-3. On consideration of various representations received in connection with the seniority list of Signal Inspector Gr. III, a final seniority list was circulated by Headquarter vide letter dated 23.03.1992 (Annexure A-6). The said seniority list concededly attained finality and cannot be re-opened after 12 years. However, Sri S.S. Sharma learned counsel for the applicant submits that after de-centralization of the cadre, a zonal seniority list was notified alongwith letter dated 14.02.1995 (Annexure A-11) and objections were invited from the concerned staff. The applicant, it appears, preferred a representation dated 10.06.1995 in which he questioned the correctness of the seniority list dated 23.03.1992 as well as correctness of seniority list published vide letter dated 14.02.1995. So far as the seniority list published vide letter dated 23.03.1992 is concerned, we have already



held hereinabove that ^{the said} seniority list attained finality and cannot be re-opened. However, as regards seniority list dated 14.02.1995, the applicant alleged as under :

"Further it is noticed in the seniority list circulated vide letter No.HPB/201/D/ST/Decentralisation dated 14.2.95, my seniority position has been kept on S.No. 31, which is a irregular on adding name of promotees between S.No.17 to 25, while my final examination conducted on August 1985 and due to administrative delay, I have joined in working post on 01.10.85 at NGP and 08.10.85 with HQ at Bina."


4. It was with the further allegation that the applicant sought correct assignment of his position in the seniority list. It is not disputed that seniority list of the staff working in the Jabalpur Division was published vide letter dated 09.06.1997. The applicant was working in the Jabalpur Division. Though the seniority list published vide letter dated 09.06.97 appears to be the final seniority list but there is nothing on record to show that the objection dated 10.06.1995, preferred by the applicant against the seniority list dated 14.02.1995, was considered and disposed of. The divisional seniority list dated 09.06.97 was prepared on the basis of seniority list dated 14.02.1995 and accordingly we are of the view that the objection preferred by the applicant as against seniority list dated 14.02.1995 ought to have been considered and decided by the Competent Authority. It is true that in his representation dated 10.06.1995 the applicant has not indicated as to how he was assigned in correct position in the seniority list dated 14.02.1995. However, since representation dated 10.6.95 does not appear to have been decided, we are of the view that the ends of justice shall be met if the Competent Authority is directed to consider and decide the representation of the applicant dated 10.6.95 (Annexure A-12). Needless to say

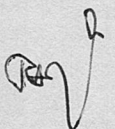


that in the event of the representation being allowed, appropriate corrective orders may be issued in respect of the seniority list dated 09.06.1997.

5. Accordingly, the O.A. is disposed of with a direction to the Divisional Railway Manager, North Central Railway, Jabalpur to consider, and decide and dispose of the applicant's representation dated 10.06.1995 within a period of four months from the date of receipt of copy of the order alongwith copy of representation dated 10.06.95.

No costs.


Member-A.


Vice-Chairman.

Manish/-