

(12)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO.98 OF 2005

ALLAHABAD THIS THE 06th DAY OF FEBRUARY, 2007

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

HON'BLE MR. P.K. CHATTERJI, MEMBER-A

Yatish Kumar Chaurvedi, aged about 47 years, S/o late Pt. P.S. Chaturvedi, R/o 21/15, Dhuliaganj, Agra, presently posted as Head Clerk (Personnel) in the office of Station Manager, Agra Cantt. North Central Railway, Agra.

.....Applicant

(By Advocate Shri V. Budhwar)

V E R S U S

1. Union of India through General Manager, North Central Railway, Allahabad.
2. D.R.M., Agra.
3. Chief Personnel Officer, N.C.R., Allahabad.
4. Divisional Personnel Officer in the office of D.R.M., Agra.
5. D.R.M. (P), Central Railway now N.C.R., Jhansi.
6. Deen Dayal Sharma, Office Supdt. In the office of D.R.M. N.C.R., Agra Cantt.
7. Narendra Kumar Sharma, Head Clerk in the office of D.R.M., N.C.R., Agra Cantt.
8. Kamal Kumar Sharma, Head Clerk in the office of Station Manager, N.C.R., Agra Cantt.
9. R.B. Lavaniya, Head Clerk in the office of D.R.M. N.C.R., Agra Cantt.

.....Respondents

(By Advocate: Sri A.K. Sinha)

O R D E R

BY JUSTICE KHEM KARAN, V.C.

The applicant who at present is working as Head Clerk in Agra Division of North Central Railway is

/s/

challenging the provisional seniority list dated 21/24.11.2003 (Annexure-1) in so far as it shows the respondent nos. 6 to 9 as senior to him. He prays that this list be set-aside and the respondents be directed to assign the applicant's seniority over and above the respondent nos. 6 to 9 and to dispose of the objection filed by the applicant against the said provisional seniority list.

2. The applicant has come with a case that he was initially appointed as Junior Clerk in the pay scale of Rs. 260-400 on 9.1.1980 and was thereafter promoted to the post of Senior Clerk w.e.f. 10.1.1987 and to the post of Head Clerk w.e.f. 31.8.1994. According to him, in the provisional seniority list dated 10.1.1992 he was incorrectly shown at sl. No. 363, but later on his position was correctly shown at sl. No. 323. According to him, in this final seniority list of the cadre of Senior Clerks, the respondent nos. 6 to 9 figured much below the applicant. It is said that it was after about 11 years thereafter that the impugned provisional seniority lists dated 21/24.11.2003 and 1.1.2003 were issued assigning the applicant's position below the respondent nos. 6 to 9. Against which, the applicant filed objection, but upto the date of filing of the O.A., objections were pending and the matter has not been finalized. He says that after the applicant was shown senior to respondent nos. 6 to 9 in the seniority list of the cadre of



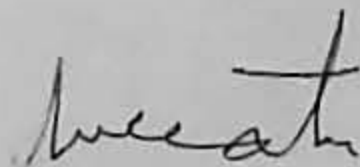
Senior Clerks, there ~~was~~^{were} no good reasons with the respondents to disturb that to show him junior to those respondents.

3. Sri A.K. Sinha, learned counsel appearing for the official respondents has contended that it is not correct to say that the applicant was shown senior to respondent nos. 6 to 9 in the earlier seniority list of 1992. He says that even in that list, the applicant was shown junior to respondent nos. 6 to 9 and since he has not challenged that seniority list, so his case for challenging the subsequent provisional list of 2003 is not well founded. According to Sri Sinha, so long as the seniority list of the cadre of Senior Clerks holds ⁴the field, it is not possible for the applicant to say that he has wrongly been assigned the place below the respondent nos. 6 to 9.

4. We are of the view that since the applicant is challenging the provisional seniority lists dated 21/24.11.2003 and 1.1.2003 and since his objection against the same are still pending and further that seniority list has not been finalized so far, so the appropriate course seems to be to direct the respondents to consider the objection of the applicant against the said provisional seniority ⁵list, and finalize the matter in accordance with the rules. We are not expressing any view as regards the question as to whether the applicant was assigned

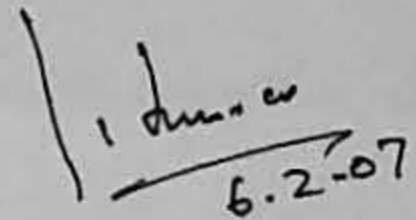
h

this or that seniority in the cadre of Senior Clerks. The dispute is with regard to provisional seniority lists of 2003 and not ^{with regard to} ~~of the~~ earlier seniority list of 1992. So we dispose of this O.A. finally with direction to the respondent^{No 2} ~~to~~ ^{to} consider the objection of the applicant against the impugned provisional seniority list^s and pass suitable orders in accordance with rules, within a period of four months from the date a certificate copy of this order is produced before ^{him} ~~the respondent~~ ^s.
~~no. 4.~~ No costs.



MEMBER-A

GIRISH/-


6.2.07

VICE CHAIRMAN