

**CENTRAL ADMINISTRATIVE TRIBUNAL****BANGALORE BENCH: BANGALORE****ORIGINAL APPLICATION NO.170/00014/2019****DATED THIS THE 22<sup>nd</sup> DAY OF JANUARY, 2020****HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER****HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

V.Vijaya Mohan  
S/o V.Subba Rayudu  
Aged 40 years  
Loco Pilot (Goods)  
S.W.Railway, Bangalore Division.

...Applicant

(By Advocate Sri K.Shivakumar)

Vs.

1. Union of India  
Rep.by General Manager  
South Western Railway  
Hubli-580020.
2. Senior Divisional Personnel Officer  
South Western Railway  
Bangalore-560023.

....Respondents

(By Advocate Shri J.Bhaskar Reddy)

**O R D E R (ORAL)****(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.))**

It appears that Sri Satyanarayana Nanda was reverted vide order No.B/P.524/V/Rng/Pay fixation/2019 dtd.06.01.2020 which we quote:

**SOUTH WESTERN RAILWAY**

*Divisional Office  
Personnel department  
Bengaluru-23*

*No.B/P.524/V/Rng/Pay fixation/2019**Date: 06.01.2020*

O.O.No.20/01/2020/V/Mech/Rng/05

*Sub: Revision of seniority and pay*

*Ref: 1. This office show cause Notice No.B/P.524/Mech/Rng dated 13.08.2019,*

*2. This office Letter No.B/P.524/Mech/Rng dated 03.01.2020.*

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*I. A show cause notice was issued vide this office reference (1) above, to rectify the seniority position of Sheri.Satyanarayana Nanda, LP/Goods/KJM. The reply dated 30.08.2019 & 25.10.2019 submitted by Sheri.Satyanaranaya Nanda, LP/Goods/KJM has been examined in detail with provisions of para 303(a) of IREM Vol-I, the same has been disposed vide reference (2) cited above, accordingly his seniority position is revised as under,*

<i>Position assigned in seniority list of</i>	<i>in</i>	<i>Now, proposed to be revised</i>	<i>Remarks</i>
<i>ALP of 2010</i>	<i>97</i>	<i>132(a)</i>	<i>Joined along with 01/09 batch</i>
<i>Sr.ALP of 2013</i>	<i>57</i>	<i>82(a)</i>	<i>Promoted as Sr.ALP</i>
<i>LP/Goods</i>	<i>100</i>	<i>125(a)</i>	<i>Promoted as LP/Goods</i>

*II. Consequent on revision of seniority position as indicated above, his pay is revised and refixed as under,*

<i>Pay Rs</i>	<i>Designation</i>	<i>GP/Level</i>	<i>W.E.F.</i>	<i>Remarks</i>
<i>7730</i>	<i>ALP</i>	<i>5200-20200+1900</i>	<i>20.08.2008</i>	<i>Due to revision of seniority, but for the reasons attributable by employee, as per rules in force.</i>
<i>8960</i>	<i>Sr.ALP</i>	<i>5200-20200+2400</i>	<i>10.08.2011</i>	
<i>35400</i>	<i>LP/Goods</i>	<i>Level-06</i>	<i>15.06.2017</i>	
<i>36500</i>	<i>-do-</i>	<i>Level-06</i>	<i>01.01.2018</i>	
<i>37600</i>	<i>-do-</i>	<i>Level-06</i>	<i>01.01.2019</i>	

*Since, the above revision of seniority, promotion, re-fixation of pay is ordered inadvertently action attributable by the administrative error, the overpayment involved need not be recovered treating it as erroneous promotion as per para 228 of IREM Vol-I.*

*This issue with the approval of Competent Authority.*

*Sd/-  
(D.Keshavalu)  
APO/M/SBC/Sr.DPO/SBC*

2. Thereafter, the next senior most is Sri V.Vijaya Mohan, the applicant in this case. If he is so senior most then let him be promoted otherwise appropriate orders will be passed. The OA is allowed to this limited extent. No costs

(C.V.SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ps/

**Annexures referred to by the applicant in OA.No.170/0014/2019**

Annexure-A1: Seniority list dtd.9.12.2010  
Annexure-A2: Seniority list dtd.30.4.2013  
Annexure-A3: Office order dtd.14.7.2015  
Annexure-A4: Office order dtd.15.6.2017  
Annexure-A5: Representation dtd.1.12.2017  
Annexure-A6: Seniority list dtd.14.9.2017  
Annexure-A7: Office order dtd.12.7.2018  
Annexure-A8: Communication dtd.5.7.2018

**Annexures with reply statement:**

Annexure-R1: Letter dtd.13.8.2019

**Annexures with rejoinder:**

-NIL-

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