

Central Administrative Tribunal, Allahabad.
Registration T.A.No. 554 of 1986 (O.S.No. 1205 of 1983)

Ram Chandra	...	Applicant
	Vs.	
Union of India & others	...	Respondents.
Hon.D.K.Agrawal, JM		
Hon.K.Obayya, AM		

Civil Suit No.1205 of 1983 instituted in the Court of Munsif Gorakhpur, on transfer to this Tribunal under the provisions of S.29 of the Administrative Tribunals Act XIII of 1985, was registered as T.A.No. 554 of 1986, as indicated above.

2. The prayer is that it be declared that the seniority of the Plaintiff is to be reckoned from the date of his appointment, i.e. 31.12.1964 and orders passed otherwise are illegal.

3. Briefly, the facts are that the Plaintiff and some others were appointed as Bench Fitter in the pre revised grade of Rs.110-180 on different dates, the plaintiff having been appointed on 31.12.1964. The Plaintiff and some others were discharged from service on the ground that there was shrinkage in the establishment due to completion of construction work. The discharge order in respect of the Plaintiff and others was passed w.e.f. the afternoon of 7.8.66. The Plaintiff and others challenged the said discharge order by means of an original suit no.98 of 1966 in the Court of Civil Judge, Gorakhpur which was decreed and the decree confirmed by the first appellate Court and by the High Court Allahabad in second appeal. Consequent to the confirmation of the aforesaid decree by the High Court, the Plaintiff-Applicant and others were reinstated in service in the year 1974. It may be mentioned

Dr. Agrawal

here that the reinstatement was made by the railway administration in Signal Workshop. Later on a dispute arose about the fixation of their seniority. Originally, the railway administration issued a provisional seniority list taking the original date of appointment as the basis thereof. However, the seniority list was revised by a seniority list dated 18.12.1982 wherein the basis was changed and instead of the original date of appointment, the date of appointment after the reinstatement was made the basis thereof. The Plaintiff feels aggrieved with the revised seniority list because he has been shown in the revised seniority list at sl no. 25 whereas he was shown at sl.no.8 in the provisional seniority list dated 10th Oct. 1982. The Plaintiff also feels aggrieved with the fact that the date of appointment is shown as 12.9.74 in the revised seniority list whereas it was shown as 31.12.64 in the seniority list dated 10.10.82

4. The Defendants in their written statement have urged that the Plaintiff's seniority is to be reckoned with regard to his date of appointment after the reinstatement in the Signal Workshop. However, they have also pleaded that benefit of seniority was given to one P.P.Pandey on account of judgment pronounced in Civil Suit No.558 of 1977 dated 27.1.1981 by the Munsif II Gorakhpur.

5. We have heard learned counsel for the parties and perused the record. It is not disputed that the Plaintiff as well as P.P.Pandey (along with others) were discharged from service in the year 1966; they were all Plaintiffs in Civil Suit No.98 of 1966 instituted in the Court of Civil Judge, Gorakhpur; a decree was granted in favour of all of them to the effect that they were entitled to be reinstated; all of them reinstated in or about 1974; one of them, namely, P.P.Pandey alone filed a Civil Suit No.558 of 1977 wherein he challenged the fact that his date of appointment was recorded as 12.9.74 in the seniority list instead of 2.9.64; the suit was decreed in favour of P.P.Pandey holding

that the original date of appointment i.e. 2.9.64 is the correct date of appointment and the same shall form the basis for determination of seniority in the service career of the Plaintiff, i.e. P.P.Pandey; the railway administration submitted to the said judgment by not filing any appeal against the said judgment and that the railway administration having submitted to the judgment accepted the date of appointment of P.P.Pandey as 2.9.64 and indicated the same in the revised seniority list (impugned order in the present case) dated 18.12.1982. The question, therefore, in the circumstances is as to whether the Plaintiff, who is similarly situate person is or is not entitled to the benefit of the judgment rendered in the case of P.P.Pandey vide Civil Suit No.558 of 1977, mentioned above. The law on the point is very clear. Without further discussion, we can atonce hold that the Plaintiff being similarly situate person is entitled to the benefit of seniority. Therefore, we hold that the Plaintiff's date of appointment would be deemed to be 31.12.1964 (which is actual date of appointment) for determination of his seniority, on the promotional post as well in the service, according to rules on the subject.

6. We accordingly declare that the Plaintiff's date of appointment is 31.12.1964 and the Defendant-Opp. Parties shall treat the said date of appointment as the date of appointment for reckoning seniority of the Plaintiff in the post of Bench Fitter and such other subsequent posts wherein the date of appointment is to be taken into account for the purpose of determination of seniority. The parties are directed to bear their own costs.

MEMBER (A)

Dated 3rd July 1990

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MEMBER(J)

3.7.90