

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration O.A No. 917 of 1987
M.R. Verma and 7 Others ... Applicants.
Versus
D.R.M. Central Railway Jhansi ... Respondents.
and others ...

Hon'ble Mr. K. Obayya, Member (A)
Hon'ble Mr. S.N. Prasad, Member (J)

(By Hon'ble Mr. K. Obayya, Member (A))

The short point involved in this application filed under Section 19 of the Administrative Tribunals Act, 1985 is as to which seniority list of the Guards-A of the Central Railway Jhansi should be followed for making booking/posting of Guards. The applicants, 8 in number, are Guards-A working in the Jhansi Division. The seniority list of Guards A was published on 15.9.1982. A copy of which is available as Annexure-1 to the Claim petition.

2. The grievance of the applicants is that this list is not being followed in the matter of making posting of the Guards for train duties. It is alleged that the Administration is operating another seniority list dated 22.8.1987 as contained in Annexure-A-2. In para-6 of the counter, the respondents have denied that the seniority list as shown in Annexure-A 2, has ever, been issued by them. Their contention is that in pursuance of the decision of the Jabalpur High Court dated 14.8.1985 in the matter of giving promotion to S.C. and S.T. employees, a list was prepared by the office to be put up before the competent authority to implement the judgment of the Jabalpur High Court and that this list has created some apprehension among some of the employees that this is revised seniority list. It is also further stated in the same para that a clarification to the effect that no revised seniority list has been prepared and that the seniority

list prepared on 15.9.1982 (Annexure-A 1) is valid and remains unchanged, has been issued vide letter dt. 4.9.1987 (Annexure-A 4). In para-9 of the counter, it is also affirmed that the posting of the Guards-A are being made on the basis of the seniority list published on 15.9.1982 and not on the basis of the alleged revised seniority list. In para-7 of the rejoinder-however, it is denied by the applicants that the revised seniority list which has not been officially notified, is still being operated.

3. We have heard Sri R.K. Nigam, learned counsel for the applicant and Sri A.V. Srivastava, learned counsel for the respondents. So far as the controversy regarding the seniority list is concerned, it is the case of the respondents that there has been no revision, whatsoever, of the seniority list that was notified on 15.9.1982. That being the case, the only point is whether the postings are being given to the Guards on the basis of correct seniority list. Having admitted that the seniority list has never been revised, the respondents are bound to assign duties to the Guards by adhering to the seniority list which is correct list.

4. In these circumstances, we direct the respondents to ignore whatever subsequent seniority list of the Guards — was prepared; and they are further directed to follow the seniority list dated 15.9.1982 (Annexure-1), in making postings of Guards subject to normal applicable rules of working. The application is allowed as above. Parties to bear their own costs.

Member (J)

Member (A)

Dated: 30th September, 1991.

(n.u.)