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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

O.A.No.1034 of 1988 .

Sunil Kumar SinghApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

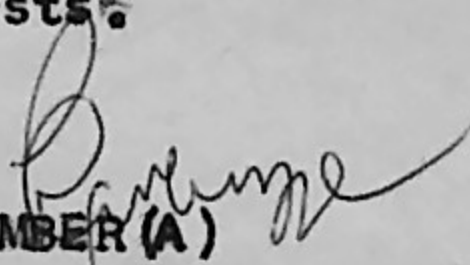
(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

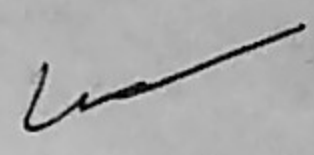
The dispute in this case is regarding seniority. According to the applicant, the seniority should be governed in accordance with Para 303(a) of IREM which provides that the candidates who are sent for initial training to the training schools will rank in seniority in the relevant grade in the order of merit obtained at the examination held at the end of the training period and those who join the subsequent courses for any reason whatsoever and those who pass the examination in the subsequent changes, will rank junior to those who had passed the examination in earlier courses. The result was notified on 19.3.85. According to the applicant, in view of para 303(a), the seniority should be determined on the basis of merit order assigned at the time of selection made by the Railway Service Commission. So far as determination of seniority by the Railway Service Commission is concerned, Para 303(b) makes provisions for the same but it is specifically provided that in case of candidates who do not have to undergo any training in training-school, the seniority should be determined on the basis of the merit-order assigned by the Railway Recruitment Board or other Recruiting Authority. As in this case, the

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applicant has undergone the training, it is Para 303(a) which will apply in this case. Accordingly, this application deserves to be allowed and it is allowed and the order dated 31.8.87 and order dated Nil-5-87 are quashed and the seniority list, the copy of which has been annexed to this application, is quashed and the respondents are directed to prepare a fresh seniority list in the light of observations made above within a period of two months from the date of communication of this order. It is made clear that the applicant, being senior, will be entitled to all consequential benefits by virtue of seniority. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED : OCTOBER 14, 1992.

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