

(11)

OPEN COURT

Central Administrative Tribunal Allahabad Bench
Allahabad.

Allahabad this the 25th day of September 1995.

Original Application no. 1057 of 1988.

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. D.S. Bawaja, Administrative Member.

1. Roop Narain Ram, S/o Sri N, Ram
2. Hiranman Ram, S/o Sri D.S. Ram.
3. Md. Iddrish, S/o Dianat Hussain
4. Muslim Ansari, S/o Deha

All are posted as Coal Checker under Loco Foreman,
E. Rly Loco Shed Mogalsarai.

... Applicants.

C/A Sri S.K. Dey.

Versus

1. Union of India through the General Manager, E. Rly.,
17, Netajee Subash Road, Calcutta-1.
2. The Divisional Railway Manager, E. Rly., Moghalsarai.
3. The Sr. Divisional Personnel Officer, E. Rly.,
Moghalsarai.
4. A.K. Singh - Store Issure, Carriage and Wagon, Dehri
Distt. Rohtas, Bihar.
5. R.A. Sharma, Store Issure, Carriage and Wagon, Gaya,
Distt. Gaya.
6. Lal Mohar Ram Store Issuer Carriage and Wagon-II,
Moghalsarai.
7. Mohan Lal Pandey, Store Issure Under AME (C&W)II,
E. Rly Moghalsarai.

... Respondents.

C/R Sri G.P. Agarwal

ORDER (Oral)

Hon'ble Dr. R.K. Saxena, Member-J.

This OA has been filed to challenge the seniority
list, annexure A-10 to the OA and CA-3 to the counter
reply and also promotions which were made on the basis
of said seniority list. The grievance of the applicants
is that firstly the clubbing of different category

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of the employee for the purpose of seniority, has not been correctly done; and secondly, the representation which was moved by the applicants was rejected without giving any reasons. It is also the grievance of the applicants that promotions have been granted arbitrarily from amongst the employees shown in the provisional seniority list.

2. The respondents have contested the case on several grounds but the learned counsel for the respondents Sri G.P. Agarwal could not reply as to whether the final seniority list was ever prepared. The seniority list brought on record by the applications as well as by the respondents, speak that it was provisional one. When the provisional seniority list was prepared and the objections were invited from the members of the service, it was obligatory on the part of employers to ^{have} decided by ^{order} speaking ~~or~~ before publishing final seniority list. It appears that this ^{exercise} seniority has not been done by the respondents in the present case.

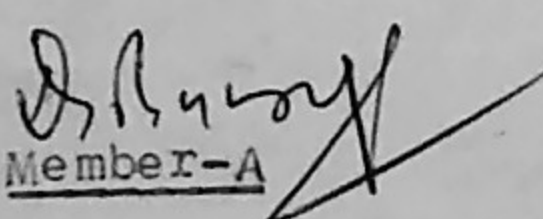
3. It has been pointed out by the learned counsel for the applicants that the full particulars about the date of appointment, of the order giving temporary status have not been given in the provisional list. The detailed information about the employees who ^{were} ~~ever~~ mentioned in the provisional seniority list, is not available. The applicants ^{are} ~~ever~~ and therefore, prevented from making effective representations. Learned counsel for the applicants has pointed out about the objection with regard to clubbing of different categories of employees. We feel that these matters should be sorted out before finalising the seniority.

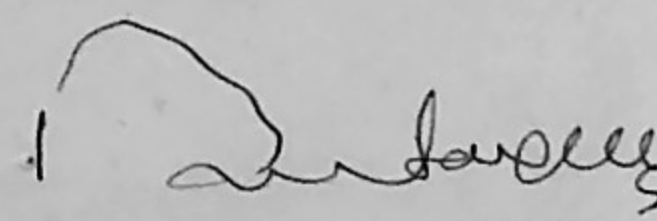
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rity list. We, therefore, direct the respondents that provisional seniority list should be prepared a fresh by giving all details and relevant information therein and then to invite objections of the employees aggrieved thereabout. These objections should be decided by speaking order and then to finalise the seniority list. The promotions, if any, made on the basis of provisional list which is under challenge in this O.A., shall be subject to the finalisation of the list. Those employees who have retired and if it is found that they were not entitled for the promotion and higher salary, the excess amount paid to them shall not be recovered and taken back.

4. The exercise of giving finality to the seniority list of the employees should be done within a period of six months.

5. The O.A. is, therefore, decided accordingly.
No order as to costs.


Member-A


Member-J

/pc/