

Open Court.

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 28th Day of August, 2000.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswas, Member (A.)

Original Application No. 32 of 1992.

1. P.N. Srivastava son of Sri Bhagwan Prasad  
aged about 49 years R/O Distt. Varanasi,  
C/O Asstt. Operating Superintendent, N.Rly,  
Varanasi.
2. R.K. Tripathi son of Sri D.P. Tripathi  
resident of T-10A Railway Colony, Pratapgarh,  
C/O Station Superintendent, N.R. Pratapgarh.
3. Sudarshan Nath Singh s/o Sri S.N. Singh  
aged 35 years C/O Asstt. Operating Supdt.  
Varanasi.
4. R.R. Tripathi s/o Sri R.R. Tripathi,  
aged about 44 years c/o Asstt Operating  
Supdt. N.Rly. Varanasi.

. . . Applicants

Counsel for the Applicants: Sri R.S. Ojha, Adv.

Versus

1. Union of India & others Through G.M.N. Rly.  
Head Quarters Office, Baroda House, New  
Delhi.
2. Divisional Railway Manager, Division Office  
Northern Railway, Lucknow.

. . . Respondents.

Counsel for the Respondents: Sri Prashant Mathur, Adv.



O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C)

This application under section 19 of Administrative Tribunals Act 1985 has been filed challenging the order dt. 11.12.91 by which the seniority list, which was corrected vide order dated 19.03.91, was cancelled.

2. Facts in short given rise to the dispute are that petitioners were serving as train clerks in Railway. By circular letter dt. 15/18 December 1980 applicants were invited for promotion to the post of Gaurd from the different eligible categories. In pursuance of the circular letter applicants also applied through proper channel on 23.04.80. However, a batch of 18 persons, who were junior train clerks to the applicants, was sent for training of P-3 Course which was pre-requisite for the promotion to the post of Gaurds. The applicants raised grievances before the authorities and they were sent to P-3 Course, for promotion to the post of Gaurds under office letter dt. 31.11.83 and 07.11.83. They completed P-3 Course after <sup>going</sup> under training from 08.11.83 to 20.12.83. However, in the seniorty list of Gaurds, applicants were shown junior to those 18 persons who were illigally sent for <sup>training</sup> promotion to <sup>P-3 - course</sup> appropriate post ignoring the claim of the applicants. Applicants raised their grievances before the D.R.M., Lucknow who by order dated 19.03.91 (Anx.-1) corrected the seniority list and restored the seniority of the applicants to the proper place. However, by the impugned order dt. 11.12.91 the order of D.R.M. dated 19.03.91 has been cancelled <sup>and</sup> aggrieved by <sup>which</sup> this order this application has been filed.

3. The learned counsel for the applicant has submitted that impugned order (Anx.1) has been passed without giving opportunity to the applicants and order is liable to be quashed being in violation of principles of natural justice.

4. Sri Prashant Mathur, learned counsel appearing for the respondents tried to justify the impugned order by showing that the seniority list was corrected at the instance of the Union of which applicants were members and they can not have any grievance and are not entitled for any relief.

5. We have ~~have~~ carefully considered the submissions of learned counsel for the parties.

6. It is not disputed in the counter affidavit that applicants were senior to the 18 persons who were earlier sent for training of P-3 Course. There is no reason whatsoever showing ~~reason~~ <sup>justification</sup> in the counter reply, as to why the names of the applicants who were senior, were ignored. They were allowed to go for training of P-3 Course in 83. After completing the training they joined as Guards and they have been shown junior to those who were sent for training earlier. The D.R.M. in all probability considered the claim of the applicants and by order dated 19.03.91 corrected the seniority list. If the respondents wanted to deprive the applicants ~~by~~ <sup>by force</sup> this ~~punishment~~ <sup>benefit</sup>, they ~~will be~~ <sup>were</sup> entitled for reasonable opportunity. The order dated 19.03.91 could not be legally cancelled without giving any opportunity of hearing.

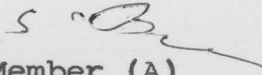
R ————

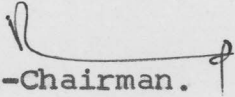
::4::

7. In our opinion the impugned order is liable to be quashed on the short ground.

8. The application is accordingly allowed .  
Impugned order dt. 11.12.91 is quashed. However, it will be open to the respondents to pass <sup>the</sup> ~~the~~ fresh order after providing the reasonable opportunity of hearing to all concerns.

9. There will be no order as to costs.

  
Member (A)

  
Vice-Chairman.

/Anand/