

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of May 2002.

QUORUM : HON. MR. C. S. CHADHA, A.M.  
HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 1942 of 1994.

1. Bajrang Kumar s/o Sri G.P. Srivastava.
2. Ali Mohd. s/o Mohd. Safi.
3. Devendra Shanker s/o Durga Shanker.
4. Vijay Bahadur s/o Pyare Lal Srivastava.
5. U.C. Tripathi s/o Shiv Haran.
6. Chhotey Lal s/o Pancham.
7. Durga Prasad s/o Lotai.
8. Basant Lal s/o Hanumant Lal.
9. Abdul Mazid s/o Naney Khan.
10. B.D. Shamma s/o J.P. Shamma.
11. Lalla Ram s/o Kanhaiya Lal.
12. J.P. Soni s/o K.C. Soni.
13. Hari Narayan Shaw s/o Munni Shaw.
14. Ram Swaroop s/o Baboo Ram.
15. Abdul Mazid s/o Raheem Baksh.
16. Rajaram Singh s/o Ram Avtar Singh.
17. Satya Dev Prasad s/o Ram Khilari.
18. Sambhoo Nath-II s/o Beni Bahadur.
19. Jogendra Lal s/o Rakkha Ram.
20. Babu Ram-II s/o Jamuna Prasad.
21. Hem Raj s/o Moti Lal.
22. Pati Ram s/o Mohan Lal.
23. Babu Lal-Ist s/o Ganesh.
24. Ajmeri s/o Baboo.
25. Ramakant Singh s/o Sukhan.
26. Jai Karan Prasad s/o Sabbar.
27. Jens Nahar s/o E.L. Nahar.
28. Abdul Sattar s/o Minaksh Khan.
29. Alla Uddin s/o Nanhey Khan.

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30. Surendra Prasad s/o Varu.
31. Lalita Prasad s/o Lotai.
32. D.K. Malhotra s/o R.B. Malhotra.
33. N.N. Awasthi s/o U.D. Awasthi.
34. J.N. Tiwari s/o L.N. Tiwari.
35. U.S. Patel s/o Gokul.
36. Shivaji Rai s/o Vinayak Rai.
37. M.W. Ahmad s/o S.K. Wazir.
38. Mahendra Singh s/o Sri Girwar Singh.
39. Mukut Bihari Lal s/o Sri Baldev Prasad.
40. K.B. Srivastava s/o G.P. Srivastava.
41. Abdul Rashid s/o Bali Mohd.
42. Shyam Manohar s/o Janki Nath.
43. B.S. Khajanchi s/o Ram Prasad.
44. Mohan Lal-I s/o Jagannath.
45. Jagdish Prasad-I s/o Benji Prasad.
46. Nawab Singh s/o Raghbir Singh.
47. Satya Narayan s/o Radhey Lal.
48. Naiwat Giri s/o Shyam Giri.
49. Ram Prakash s/o Suhavi Ram.
50. Gopi Chand s/o Shanker Das.
51. Ram Lal s/o Dhalla Ram.
52. Sugnu Ram s/o Chaman Das Bhatiya.
53. Dwarika Nath s/o Shanker Das.
54. Kundan Lal s/o Ram Lal.
55. Jugendra Lal-II s/o Sardari Lal.

All c/o Bajrang Kumar, 8 M.G. Marg, Allahabad.

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..... Applicants.

Counsel for applicants : Sri Arvind Kumar.

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Allahabad.

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..... Respondents.

*Bevere*

Counsel for respondents : Sri B.B. Paul.

ORDER (ORAL)

BY HON. MR. C. S. CHADHA, A.M.

The case of the applicants is that they were working as Railway drivers when the seniority list pertaining to them as well as respondents in T.A. No.249/87 was incorrectly prepared and, therefore, they approached this Tribunal. The Tribunal vide its order dated 30.7.92 in the said T.A. gave the following directions :-

"Accordingly, if not but some of the applicants in these applications were senior to the respondents and on the basis of their seniority in combined cadre, accordingly, these applications are allowed and the seniority list of the year 1980 which was thus prepared against the rules or against the factual position deserves to be quashed, and the respondents are directed to prepare a fresh seniority list of the applicants and the respondents in both the cases within a period of 2 months from the date of communication of this order and give the applicants, if not actual, but notional seniority w.e.f. the date their juniors were promoted and in view of their fresh seniority position, they will also be entitled to their promotions and seniority etc."

2. Counsel for the applicants states that both the seniority lists ~~were~~ <sup>to</sup> recast in which the applicants remain senior to the respondents, <sup>but for</sup> no further benefit of promotion was given despite several applications. In their C.A., the respondents have stated that the applicants have not filed any objection against the seniority list and, therefore, the matter has become final. We are surprised with this averment because what is being questioned is not the new seniority list of 1980 but the lack of granting of benefit of further promotion as a consequence of the newly drawn up seniority list. We would have been satisfied had the respondents, in their counter affidavit, mentioned that no promotions were given to any officers junior to the applicants and, therefore, the question of further promotion <sup>of the applicants for</sup> does not arise but no such averment has been made. The respondents are silent on the issue of granting promotions. We are unable to believe that

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after 1980, seniority list was recast neither the applicants nor their juniors were ever considered for promotion in the following 22 years till today. In fact, we feel that this is a clear case in which the respondents have committed contempt of this court by not granting the consequential benefit of promotion or atleast considering the ~~for applicants for promotion~~ after recasting the seniority list on 1980. There is no point in giving further time to the respondents to decide any representation. We give clear cut directions that the orders of this Tribunal passed on 30.7.92 must be executed in full and if the applicants are not due for any promotion after the recast list of 1980, they must be informed accordingly by a speaking order. This must be done within two months from the date of receipt of a copy of this order.

No order as to costs.

*At*  
J.M.

Asthana/  
8.5.02

*Chawla*  
A.M.