

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.741/1994

MONDAY, THIS THE 29TH DAY OF APRIL, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

1. Sri Amitabh Sinha,  
aged about 30 years,  
S/o Dr. R.K. Sinha,  
at present posted as Dy. Chief  
Mechanical Engineer, D.L.W.,  
Varanasi.

2. Sri D.C. Sharma,  
aged about 31 years,  
S/o Sri R.C. Sharma,  
at present posted as Divisional  
Mechanical Engineer (C&W),  
In-charge of Eastern Railway,  
Mughalsarai. ...

Applicants

(By Advocate Shri B.P. Srivastava)

Versus

1. Union of India, through  
Ministry of Railways,  
New Delhi, through its  
Chairman.

2. The Railway Board,  
Rail Bhavan, through  
its Chairman.

3. The Deputy Director, Establishment,  
(G.R.), Railway Board, New Delhi.

4. Sri N.R. Prakash,  
Dy. Chief Mechanical Engineer,  
N. Railway, Charbagh Workshop,  
Lucknow.

5. Sri Virendra Singh,  
Works Manager (Project),  
D.L.W., Varanasi.

6. Sri R.N. Singh,  
C/o P.A. to Chief Mechanical  
Engineer, Central Railway,  
Bombay V.T. ...

Respondents

(By Advocate Shri Lalji Sinha)

O R D E R

Hon'ble Mr. C.S. Chadha, Member (A):

The applicants have filed this O.A. challenging

*Chadha*

the seniority list of Probationers to the Indian Railway Service of Mechanical Engineering issued on 6.4.1994 vide Annexure-1. The main argument is put forward before us is that the seniority list of 6.4.1994 supersedes the earlier seniority list issued on 29.5.1991 and 26.8.1993 in which the applicants were shown to be senior to the respondents No.4 to 6. It has been alleged by the applicant that the impugned seniority list dated 6.4.1994 was issued without giving any show cause notice to the applicants, thus, not affording them any opportunity to represent against the change of the earlier seniority position.

2. In their counter affidavit, the respondents have stated in para 21 that before the issue of the final list, a provisional list was issued on 26.8.1993 and the same was given wide publicity, inviting representations against the same and after examining all the representations received, the provisional seniority list issued on 26.8.1993 was revised and a final seniority list was issued on 6.4.1994. Therefore, it is incorrect to state that no opportunity was given. An opportunity was duly given after making the provisional list on the basis of the fresh criteria laid down by the Railway Board as mentioned in para 19 of the counter affidavit. Briefly, the Railway Board had changed its earlier stand and ~~had~~ <sup>laid</sup> down that all those who pass the examination within the extended period of one year shall retain their original seniority in the U.P.S.C. examination. However, those candidates who do not pass within the extended period <sup>which</sup> ~~as well~~ shall stand to lose and their seniority <sup>shall</sup> be suitably depressed.

3. The Railway Board in its wisdom has made a changed principle which was applied uniformly to all those who passed within the extended period. It cannot be <sup>construed</sup> ~~applied~~ <sup>on</sup>



that the rule is biased in favour of any particular person. Since the seniority list finalised on 6.4.1994 is based on these principles and was so finalised after giving all concerned an opportunity to represent, we find that the applicants have no case.

4. In the circumstances mentioned above, the O.A. is devoid of any merit and is therefore dismissed. There is no order as to costs.

  
MEMBER (J)

  
MEMBER (A)

psp.