

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.**

**Original Application No. 804 of 1999**

This the 6th day of February, 2006

**HON'BLE MR. K.B.S. RAJAN, MEMBER-J**  
**HON'BLE MR. A.K. SINGH, MEMBER-A**

S.B.P. Sinha, S/o Sri T.C. Sinha, R/o Gaya Colony,  
Mugalsarai, Varanasi.

.... Applicant

By Advocate : Sri S.K. Dey.

Versus

1. Union of India through the General Manager,  
E.Railway, Calcutta.
2. The Senior D.P.O., E. Railway, Mugalsarai,  
District Varanasi.
3. Shyam Lal, Diesel Mechanical Fitter Gr. I,  
under Diesel Foreman, E. Rly., Mugalsarai,  
District Varanasi.
4. Shankat Hayat Crane Driver Gr.I U/DF E.  
Railway, Mugalsarai, District Varanasi.

.... Respondents

By Advocate : Sri A.K. Gaur

**O R D E R**

**By K.B. S. Rajan, Member-J**

The applicant who was serving in Diesel side has challenged the seniority list (Annexure A-3) wherein he was shown junior to respondent nos. 3 & 4 who were earlier serving in Steam Side and transferred to diesel side in 1992 and 1997 respectively. According to the applicant, their

seniority should be fixed from the date of entry in the Diesel Wing.

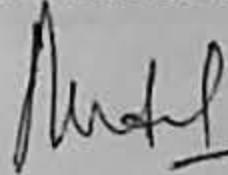
2. Per contra, the counsel for the respondents invites our attention to para 17 of the notification dated 21.4.1989 which reads as under:-

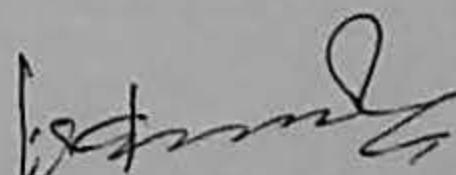
"17. When re-deploying the surplus staff to other units/Departments, which constitutes a different seniority unit, the following methods could be adopted:

(i) if only a small number of staff are being rendered surplus and they have to be transferred to various units of other departments against vacancies of duly sanctioned posts, they can be suitably adjusted in those units with their full seniority and merging their seniority in the respective units.

3. The seniority list prepared <sup>is</sup> strictly on the basis of the aforesaid rules. The counsel for the applicant has, however, stated that this Tribunal has decided certain cases as mentioned in para 12 of the O.A. wherein it was ordered that seniority should be assigned from the date of entry in the Diesel wing.

4. As the seniority list has been prepared on the basis of the notification, we do not intend interfering with the impugned order. The O.A. is dismissed. No costs.

  
MEMBER-A

  
MEMBER-J

GIRISH/-