

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1316 of 1999

Allahabad this the 13th day of December, 2001

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj Gen K.K. Srivastava, A.M.

1. Anil Kumar Jain Son of Sri C.N. Jain, Guard  
Grade 'C' Moradabad Division, Northern Railway,  
R/o H-297-A, Railway Harthala Colony, Moradabad.
2. Raj Kumar Son of Sri Bharat Singh Vishnoi, Guard  
Grade 'C' Moradabad Division, Northern Railway,  
R/o Surya Sadan, Krishna Puri Line par Moradabad.

Applicants

By Advocate Shri T.S. Pandey

Versus

1. Union of India through Secretary, Ministry of Railway, Rail Bhawan, New Delhi-110011.
2. Chairman, Railway Board, Rail Bhawan, New Delhi.
3. General Manager, Northern Railway, Barauda House, New Delhi.
4. Divisional Railway Manager, Northern Railway, Moradabad Division, Moradabad.
5. Senior Divisional Personal Officer, Northern Railway, Moradabad Division, Moradabad.

Respondents

By Advocate Shri Prashant Mathur.

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O\_R\_D\_E\_R ( Oral )

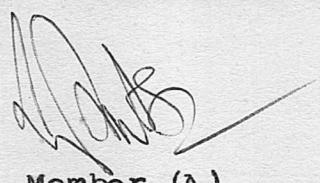
By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application under Section 19 of the Administrative Tribunals Act, 1985 the applicants have challenged the seniority list published by the respondents no.4 and 5 vide order dated 15.05.99. The case of the applicants is that they were selected for appointment as Guard Grade 'C'. Panel of which was declared on 05.10.1997 by the Railway Recruitment Board Allahabad. It is claimed that applicants names were mentioned at serial no.40 and 55 respectively in the select list which was prepared on the basis of merit, whereas Lalta Prasad, Balastar Singh, Siya Ram, Om Prakash, Panna Lal and Ashok Kumar Arvind, were mentioned at serial no.72, 73, 75, 77, 79 and 81 respectively. However, they have been shown senior to the applicants. Their claim is that the applicants being higher in the merit were entitled to be sent for training earlier but they were allowed to go for the training in 1999 for no legal and valid reason. Learned counsel for the applicant has submitted that in case of direct recruitment, selection could be made on the basis of applying the reservation policy, but after selection appointments should have been made in order of merit. No rule provides that any discrimination may be made <sup>among</sup> ~~in~~ the selected candidate for appointment as direct recruits. Submission is that the seniority list published requires to be corrected.

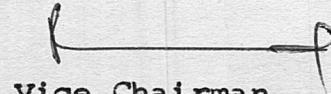
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2. Shri Prashant Mathur on the other hand submitted that this O.A. is not legally maintainable at this stage as applicants have not availed the remedy available in the department itself. It is submitted that in the letter dated 15.5.99 it is clearly mentioned that the applicants may file objection against the proposed seniority list, but no objection has been filed. It is submitted that the seniority list has not yet been finalised and if the objection is filed by the applicants, it shall be considered on merit.

3. We have considered the submission of counsel for the respondents. In our opinion, the seniority list challenged before us, has not yet gained finality and it cannot be challenged before this Tribunal. The liberty is given to the applicants to file objection within a period of 2 weeks. The objection if so filed, it shall be considered and decided by the respondents in accordance with law before finalising the seniority list. The O.A. stands disposed of accordingly. No order as to costs.



Member (A)



Vice Chairman

/M.M./