

Open Court.

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

Original Application No. 180 of 2002.

this the 1st day of March 2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Mamuna, S/o Ram Tirath, R/o Village Sikrohar, P.S.
Kartora, Tahsil Ambedkar Nagar, District Ambedkar Nagar
(Faizabad.)

Applicant.

By Advocate : Sri K.B. Srivastava.

Versus.

1. D.R.M., N.R., Hazratganj, Lucknow.
2. Sr. Section Engineer (Works), N.R., Varanasi.
3. Chief Inspector of Works, N.R., Varanasi.
4. Union of India through General Manager, Baroda House,
New Delhi.

Respondents.

By Advocate : Sri A.K. Gaur.

O R D E R

By this O.A., applicant has sought the following
relief(s):

- "(i) The Hon'ble Tribunal may be pleased to quash the letters/orders dated 4.7.2001 Annexure 3 and letter/order dated 21.8.2001 Annexure 5 in so far as the same determined the seniority of the applicant at sl. no. 176 on the basis of working days as 357 days.
- (ii) to issue an order or direction to the respondents to calculate the working days worked by the applicant in the different units under the respondents department and place the applicant at appropriate place in the seniority list/live casual labour Register.
- (iii) to issue an order or direction to the respondents to regularise/appoint the applicant in the respondents' department as per its corrected seniority list and pay the salary to the applicant as per Railway rules.
- (iv)"



2. The matter was heard on 29.4.2003 when after hearing both the counsel, a detailed order was passed whereby opportunity was given to the respondents' counsel to take instructions as to how Sri Jairam, S/o Shri Balram has been re-engaged as peon when he was shown in the seniority list as on 30.4.85 at sl. no. 170 by showing his number of days as 384 when ~~xxx~~ applicant was shown as having put in 406 days till 30.6.85 and was placed at sl. no. 166. The controversy was to be resolved only after the position was clarified by the respondents. Accordingly, the case was adjourned from time to time, but ultimately the case has been listed before me after the applicant had moved M.A. with a prayer to expedite the final disposal of the case. Vide order dated 13.2.2004, Hon'ble V.C. has expedited the case and fixed for 26.2.2004 for final disposal. Even today, counsel for the respondents was not in a position to explain how the respondents are applicant at placing / different placement in the seniority list as well as reduced number of days in the impugned letter.

3. Counsel for the applicant has invited my attention to the seniority list which is annexed at page 30 wherein applicant's name was shown at sl. no. 166, while the name of Sri Jairam was shown at sl. no. 170, but yet the said Jairam was re-engaged while in applicant's case even though he was shown at sl. no. 166, by the impugned letter he has been given the position at sl. no. 170 by reducing his number of days as well. Since the respondents have ^{been} not able to explain as to how his placement as well as his number of days have been reduced, I have no other option, but to quash the impugned letter and remit back the matter to the authorities concerned by giving a direction to them to re-consider the case of the applicant in the light of his placement given in the seniority list as on 30.6.85 and incase any person junior to him has been regularised, he should also be considered for regularisation



and incase he is found fit, he should be assigned seniority from the same date. He shall, however, not be entitled to any arrears on account of salary etc. Incase, respondents feel that there is some requirement for changing his position, the same should be done only after giving him an opportunity ~~to be~~ by way of show-cause notice because once the position was settled by the respondents, the same could not have been changed without putting him on notice.

4. With the above directions, this O.A. stands disposed off with no order as to costs.



MEMBER (J)

GIRISH/-