

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 12th day of Sept. 2002.

QUORUM : HON. MAJ. GENL. K.K. SRIVASTAVA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O.A. No. 563 of 2002.

Surya Pratap Lal, aged about 39 years S/O Late Shri Ram Naresh Lal B/O 231/J, New Loco Colony, Varanasi.

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..... Applicant.

Counsel for applicant : Sri K.K. Mishra.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hajratganj, Lucknow.
3. Senior Divisional Personnel Officer, Northern Railway, Hajratganj, Lucknow.
4. Senior Divisional Mechanical Engineer, Northern Railway, Hajratganj, Lucknow.
5. D.M.E. (P), Northern Railway, Lucknow.
6. R.K. Tewari (Sl.No.574) S/O J.N. Tewari, at present posted at Diesel Assistant at Pratapgarn.

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..... Respondent.

Counsel for respondents : Sri A.K. Gaur.

ORDER

BY HON. MAJ. GENL. K.K. SRIVASTAVA, A.M.

This O.A. has been filed under Section 19 of the A.T. Act, 1985. The applicant has prayed that the impugned provisional seniority list of Feb. 1997 (Annexure A-6) be quashed and the applicant be assigned his correct seniority with all consequential benefits.

2. The facts, in short, giving rise to this O.A., are that the applicant worked in the respondent's establishment as casual labour from 1979. He was conferred temporary status



in the year 1980. By order dated 9.4.84, he was engaged against the vacancy of Class-IV as substitute Loco Cleaner after following all the formalities. The applicant's name stands at Sl.No.34 of the order dated 9.4.84 filed as Annexure A-1. The applicant was screened in Aug.1990 and the panel of successful candidates was declared on 30.8.1991 showing the name of the applicant at Sl.No.128. The appointment letter of the applicant for the post of Loco Cleaner in the scale of Rs.196-232 was issued on 15.9.92 on the basis of panel declared on 30.8.91. In 1993, a notice was issued on 25.2.93 merging the group 'D' substitute with a panel of Loco Cleaner and the name of 87 substitutes appointed as casual labourers in 1984 were placed above the applicant and a fresh panel was published on 25.2.93 in which the applicant's name has been placed at Sl.No.212 below 87 candidates who have been regularised on the basis of panel dated 25.2.93.

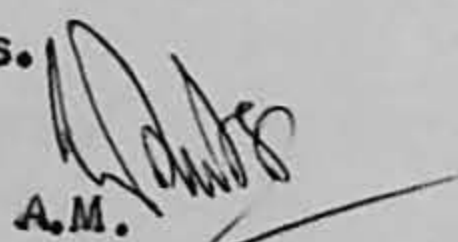
3. Aggrieved by this, the applicant filed a representation before D.R.M., Lucknow on 12.12.2001. We find force ^{in it} with the submission of Sri K.K. Mishra, counsel for applicant that in pursuance of appointment letter issued 15.9.92, the persons appointed on the basis of subsequent panel of 1993 could not be placed senior to him.

4. In our opinion, the end of justice shall be better served if the representation of the applicant is decided by Respondent No.4 i.e. Sr. D.M.E. within a specified time.

5. In view of the aforesaid, the O.A. is disposed of with the direction to the applicant to file a detailed representation before Respondent No.4 along with a copy of this order within two weeks and the same shall be decided by a reasoned and speaking order ^{within 3 months} from the date the same is filed before him.

There shall be no order as to costs.


J.M.


A.M.