

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

**HON'BLE MR.A.K. GAUR , MEMBER (J).
HON'BLE MR. D. C. LAKHA, MEMBER (A)**

Original Application Number. 746 OF 2007.

ALLAHABAD this the 26th day of *August, 2009.*

Ghan Shyam Sahu, son of Shri Narain Das, resident of 130, Suje Khan Ki Khirki, near Shahar, Naba, Jhansi and at present resident of 456, Nagra Nainagarh, Prem Nagar, Jhansi.

.....Applicant.

VE R S U S

1. Union of India through its General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.
3. Divisional Railway Manager (Personnel), North Central Railway, Jhansi.

.....Respondents

Advocate for the applicant: Sri R.K. Shukla
Advocate for the Respondents : Sri Anil Kumar

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

By this O.A filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for following main relief/s: -

- i. Pass an order or direction directing the respondents to revise the seniority of the applicant in Group 'D' cadre and on the basis thereof place at correct serial of the seniority of Group 'C' cadre treating the applicant's regular service w.e.f. 11.03.1985;
- ii. Issue an order or direction directing the respondents to provide consequential benefits of the applicant seniority to the applicant forthwith while considering the modified selection under restructuring in terms of Railway Boards policy dated 9.10.2003"

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2. At the very out set Learned counsel for the applicant stated that he does not want to press relief No. (i). The O.A is accordingly dismissed against relief No. (i) being not pressed.

3. Learned counsel for the respondents submitted that in compliance of judgment of this Tribunal in O.A No. 307/92, the respondents have passed appropriate reasoned order on the representation of the applicant. Learned counsel for the respondents invited our attention to the letter dated 13.12.2002/Annexure CA-1 of Counter Affidavit and submitted that the revised seniority list of Ticket Checking Staff Gr. Rs. 4000-6000 was issued for wide publication amongst the staff working in Jhansi Division and the same was circulated under Railway Board's Letter dated 21.11.2002 and D.R.M (P), Jhansi Letter dated 28.11.2002. In the said letter it is clearly mentioned that if any employee has any objection against his seniority or any name has been omitted in the list, he can represent within one month from the date of issuing of the seniority list.

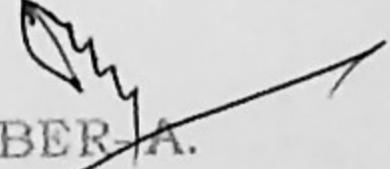
4. Learned counsel for the respondents submitted that the applicant has not filed any representation and as such he has no right to challenge the seniority list published vide letter dated 13.12.2002 belatedly in the year 2007 inasmuch as the seniority already settled ago cannot be unsettled after a long time.

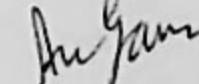
5. Having given our thoughtful consideration to the pleas advanced by learned counsel for both sides, we are satisfied that the applicant did not file any objection to the seniority list published vide letter dated

13.12.2002. In view of the settled principle of law, the seniority, which has already been settled long back cannot be unsettled.

6. In view of the observations made above, we find no good ground for interference with the seniority list published vide letter dated 13.12.2002 at this belated stage. The O.A is accordingly dismissed as having without merit.

7. At this stage learned counsel for the applicant submitted that for future promotions, his case may be considered and the applicant may be given liberty to prefer representation in this regard. In our opinion, there is no embargo on the discretion of the applicant to move any representation in this regard. If the applicant so desires, he is at liberty to prefer representation for redressal of his grievance, if any.


MEMBER A.


MEMBER- J.

/Anand/