

6

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.329 OF 1994

3rd day of November, 1995

T.PadmaVati and others

Applicants

Vrs.

Union of India and others

Respondents.

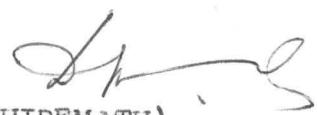
(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters
or not?

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2. Whether it be circulated to all the Benches
of the Central Administrative Tribunal or not?

N.SAHU
(N.SAHU)
MEMBER (ADMINISTRATIVE)


(D.P.HIREMATH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 329 OF 1994
3rd day of November, 1995

CORAM:

THE HONOURABLE SHRI JUSTICE D.P.HIREMATH, VICE-CHAIRMAN
AND
THE HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)

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1. T.PadmaVati d/o T.Yethirajan,
Sr.Clerk (BHC) Office of the
ALF, S.E.Railway, Charampa,
Dist.Bhadrak.
2. Akshaya Kumar Mallick,
s/o Mani Mallick,
Sr.Clerk (BHC) Office of the
A.L.F., S.E.Railway, Charampa,
Dist.Bhadrak.
3. Laxmidhar Jena,
s/o Purusottam Jena,
Sr.Clerk (BHC) Office of the
A.L.F., S.E.Railway, Charampa,
Dist. Bhadrak.
4. Rama Chattopadhyay,
s/o Krishna Dulal Chattopadhyay,
Sr.Clerk, Office of the
Sr.D.M.E., S.E.Railway, Khurda Road,
P.O-Jatni, Dist.Khurda.
5. D.Benjamin, s/o J.C.Dixon,
Sr.Clerk, Office of the
Sr.D.M.E., S.E.Railway,
Khurda Road, P.O-Jatni,
Dist.Khurda,
6. Ullas Chandra Jena,
s/o R.Rout, Sr.Clerk,
Office of the Sr.D.M.E.,
S.E.Railway, Khurda Road,
P.O.Jatni, Dist.Khurda.

7. P.Appa Rao, s/o P.Narsihulu,
Sr.Clerk,Office of the Sr.D.M.E.,
S.E.Railway,Khurda Road,
P.O-Jatni, Dist.Khurda

..... Applicants

By the Advocates -

M/s G.A.R.Dora &
V.Narasingh.

-versus-

1. Union of India, through the General Manager, S.E.Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager (P), S.E.Railway, Khurda Road, P.O.Jatni, Dist. Khurda.
3. Bishnu Dev Mohanty
4. P.B.Baral
5. M.S.Padhi

Respondents 3 to 5 are under
Sr.D.M.E.,S.E.Railway,Khurda Road,
P.O-Jatni, Dist.Khurda

... Respondents

By the Advocates -

Mr.D.N.Misra
(For Respondents 1 & 2)
&
Mr.D.P.Dhalsamanta
(For Respondent 4)

...

O R D E R

D.P.HIREMATH, VICE-CHAIRMAN It has come to our notice during

arguments that in O.A.No.366 of 1991 disposed of on 3.8.1993, which petition was filed by respondent 4 in the present petition, a clear direction was made that the respondents shall draw up a seniority list

-3-

of different incumbents in the grade of Senior Clerk including that of the petitioner and those who have been promoted to the post of Head Clerk within 90 days from the date of receipt of a copy of the judgment. It is stated by the respondents' counsel that the provisional seniority list has been prepared, a copy of which list has been filed in this case now at Annexure-A/2, that objections were called for and have been received, and that still the final seniority list has not been drawn up. It is the grievance of the petitioners herein that the placing of respondents 3 to 5 above them is wrong and respondents 1 and 2 were not entitled to call upon respondents 3 to 5 herein to appear for a test to consider their suitability for the post of Head Clerk which is in the higher grade of 5 the grade of Senior Clerk. In our view, unless a final seniority list is prepared, respondents 1 and 2 were not justified in selecting respondents 3 to 5 to appear for a test to consider their suitability for the post of Head Clerk. By this order, respondents 1 and 2 are refrained from proceeding with the recruitment to the post of Head Clerk by holding test ignoring totally the claims of the petitioners herein. It is wholly only 

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-4-

necessary that final seniority list should be prepared, seniority of the petitioners and respondents 3 to 5 determined and thereafter steps be taken for recruitment to the higher grade of Head Clerk. We hereby direct that the final seniority list shall be prepared and published within 30 (thirty) days from the date of receipt of copy of this order positively. With this observation and direction, this petition is disposed of.

Narashimha, M.
(N.SAHU)
MEMBER (ADMINISTRATIVE)

D.P. HIREMATH
(D.P. HIREMATH)
VICE-CHAIRMAN

Nayak, P.S.