

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 119 OF 1998.
Cuttack, this the 13th day of March, 2002.

BHAGIRATHI JENA.

....

APPLICANT.

VRS.

UNION OF INDIA & ORS.

....

RESPONDENTS.

FOR INSTRUCTIONS

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

[Signature]
(M. P. SINGH)
MEMBER (ADMN.)

[Signature]
(MANORANJAN MOHANTY)

MEMBER (JUDICIAL) 13/03/2002

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 119 OF 1998.
Cuttack, this the 13th day of March, 2002.

C O R A M:

THE HONOURABLE MR. M. P. SINGH, MEMBER (ADMINISTRATIVE)
A N D
THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.)

....

1. Sri Bhagirathi Jena aged about 48 years,
S/o. Giridhari Jena;
2. K. Ch. Patasani, S/o. Duryodhan Patasani;
3. L. N. Maharana, S/o. Jagannath Maharana;
4. N. Samantray, S/o. Hina Samantray,
5. G. M. Khan, S/o. Yasim Khan,
6. D. R. Jena, S/o. Giridhari Jena,
7. P. K. Singh, S/o. Duryodhan Singh,
8. P. Ananta Rao, S/o. P. Durgeya,

All are working in Fitter Gr. III in C&W,
Department, South Eastern Railway, Puri,
At/PO/Dist: Puri.

... Applicants.

- Versus -

1. Union of India represented through its
General Manager, South Eastern Railway,
Garden Reach, Calcutta.
2. Chief Mechanical Engineer,
South Eastern Railway, Garden Reach,
Calcutta.
3. Divisional Railway Manager,
South Eastern Railway, Khurda Road,
Dist. Khurda.
4. Senior Divisional Railway,
Manager (Mechanical)
South Eastern Railway,
Khurda Road, Dist. Khurda.

... Respondents.

[Signature]



By legal practitioner
for the Applicants.

: M/s. G. Rath, S.N. Mishra,
A.K. Panda, S. Mohanty,
T.K. Praharaj, Advocates.

By legal practitioner
for the Respondents.

: M/s. D.N. Mishra,
S.K. Panda,
Standing Counsel (Rlys.).

ORDER

(O R A L)

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

Applicants, 8 (eight) in number, were found to be surplus in the Loco-shed located at Khurda Road. As a consequence of which, they were re-deployed and posted at Carriage workshop under the said Khurda Road Division. In the new establishment, Carriage workshop, it is the case of the Applicant that few juniors were given promotion for which the Applicants have filed this Original Application raising a point that even after their re-deployment, their seniority/experiences gathered in the Loco-shed were to be retained; for which the Advocate for the Applicants placed into service Annexure-1, dated 21.4.1989 of the Deputy Director Establishment (N) of Railway Board, New Delhi; wherein it has been clearly stated in para-3(i) as follows:-

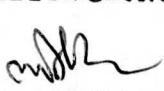
3(i) If only a small number of staff are being rendered surplus and they have to be transferred to various units of other departments against vacancies of duly sanctioned posts, they can be suitably adjusted in those units with their full seniority and merging their seniority in the respective units.

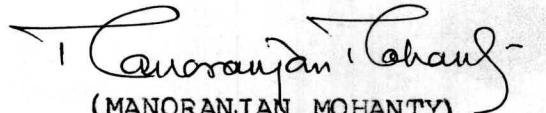
[Signature]

2. In view of the clear position as extracted above, the Applicants were to retain their seniority for the entire period they served the Railways and as a consequence of which they are entitled to receive promotion from the date their junior~~s~~ received promotions in the new establishment.

3. In the counter it has been disclosed that the case of the Applicants are in active consideration. Without considering the case of the Applicants to give them promotions, seniority, the Respondents have granted promotion to several persons, as alleged, by ignoring the total period of service rendered by the Applicants. In the aforesaid premises, the Respondents are hereby directed to take into consideration the total period of service rendered by the Applicants even under the old establishment i.e. Loco-shed and give them due seniority and consequential promotions with effect from the dates their juniors received promotions. This exercise need be completed within three months hence.

4. With the above directions, the Original Application is allowed. No costs.


(M. P. SINGH)
MEMBER (ADMN.)


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 13/03/2002

KNM/CM.