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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH

O.A.NO. 631 OF 2005
Cuttack, this the 3rd day of July, 2009

Sri P.Hemant Kumar Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters or not?
- 2) Whether it be sent to the P.B.,CAT, or not?

(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(K.THANKAPPAN)
JUDICIAL MEMBER

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CORAM:

HON'BLE SHRI JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
AND
HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER

Sri P.Hemant Kumar, aged about 35 years, son of late P.Sanyashi Rao, working as Divisional Transportation Inspector under Chief Operations Manager, E.Co.Railway, Chandrasekharpur staying at S 46 Maitrei Vihar Phase I,Chandrasekharpur, P.O. S.E.Railway Project Complex, Bhubaneswar 23, PIN 751 023
Applicant

Advocate for applicant - Mr.Achintya Das

Vrs.

1. Union of India, through General Manager, E.Co.Railway,Chandrasekharpur, Bhubaneswar.
2. Chief Operations Manager, E.Co.Railway, Chandrasekharpur, Bhubaneswar, PIN 751023
3. Chief Personnel Officer, E.Co.Railway, Chandrasekharpur, Bhubaneswar, PIN 751023.
4. Chief Personnel Officer, Central Railway, Mumbai CST, PIN 400 001.
5. Sri S.K.Hota, Protocol Inspector, General Manager's Office, Rail Vihar, Chandrasekharpur, PIN 751023 Respondents

Advocate for respondents - Mr.R.C.Rath

(S)

O R D E R
JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

Challenging the provisional seniority list of Deputy Station Superintendents (Dy.SS) and Transportation Inspectors (TI) as on 1.11.2004 published by the East Coast Railway (ECR), the applicant has filed this Original Application. The applicant has prayed that this Tribunal may direct the Respondents to publish to publish the seniority list of TI in the pay scale of Rs.5500-9000/- as on 1.11.2004. When the case came up for admission, this Tribunal, on admitting the O.A., ordered that promotion, if any, made in the meantime should be subject to the outcome of the O.A. However, on receipt of the notice from this Tribunal, the Respondents have filed their reply statement taking the stand that the applicant has no locus standi to question the provisional seniority list of DySS/TI as he has not assigned any reason for his grievance in as much as he is working only as a TI and not in the cadre of DySS. That apart, the specific case of the applicant against the provisional seniority list is that one Sri S.K.Hota, who came from the Operating Cadre and is now working as Protocol Inspector (PI), has been included in the provisional seniority list of DySS/TI and this, according to the applicant, is not correct. But in the counter statement it is the stand taken by the Respondents that Shri S.K.Hota has got his lien as DySS. Though Shri Hota is presently working as PI which is an ex cadre post,



his lien has not ceased in the parent cadre. Further it is stated in the reply statement that Annexure A/1 is only a provisional seniority list and that against a provisional seniority list no case can be set up by the applicant to approach this Tribunal to have any remedy or relief.

2. We heard the learned counsel appearing for the parties and perused the documents produced before us.

3. The questions to be considered in this O.A. are: (i) Whether the applicant has locus standi to file the present O.A.; and (ii) Whether the applicant is justified in approaching this Tribunal to quash a provisional seniority list published by the Department.

4. The only case set up by the applicant in the O.A. is that Shri S.K.Hota, now working as P.I.an ex cadre post, cannot be included in the provisional seniority list of DySS/TI as he is not borne in the cadre in question. It is the case of the applicant that Shri S.K.Hota's lien having ceased, he cannot be included in the seniority list of DySS. It has been further contended by him that as Shri Hota is taken out of the cadre of DySS/TI and now put to work as PI, inclusion of his name in the impugned Annexure A/1 is bad and illegal.

5. Admittedly, Annexure A/1 is only a provisional seniority list of DySS/TI as on 1.11.2004 and if anybody has got any objection thereto, it is only proper for him/her to represent the matter before the authorities for correction. Even though the applicant had filed a representation dated



30.11.2004 at Annexure A/13, he has nowhere stated therein as to how he is aggrieved by the drawing up of the provisional seniority list of DySS/TI or inclusion of the name of Shri S.K.Hota therein. In the above circumstances, the alleged representation of the application is not enough to call for interference in the matter by this Tribunal. That apart, the applicant has nowhere in the OA indicated as to how he is aggrieved by the drawing up of the provisional seniority list of DySS/TI as per Annexure A/1 and whether his position among the TI has been wrongly fixed in the said list. If so, the applicant has miserably failed to produce any document or material before us to quash the provisional seniority list of DySS/TI and to direct the Respondents to publish the seniority list of TI and also to grant restructuring benefit, if any, available as per the orders issued by the Zonal Railway. Accordingly, we hold that the O.A. is devoid of any merit.

5. In the result, the OA is dismissed. No costs.

(C.R.MOHAPATRA)

ADMINISTRATIVE MEMBER

Kappan
(K.THANKAPPAN)

JUDICIAL MEMBER