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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK

ORIGINAL APPLICATION NO. 90 OF 2002  
Cuttack this the 4th day of October, 2004

Niranjan Acharya                      ...                      Applicant(s)

- VERSUS -

Union of India & Ors.                      ...                      Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? AND
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? /5

(M.R. MOHANTY)  
MEMBER (JUDICIAL)

( B.N. SOM )  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 90 OF 2002  
Cuttack this the 4th day of October 2004

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)  
...

Niranjan Acharya, aged about 48 years  
Son of late Govind Chandra Acharya,  
at present working as Skilled Grade-III  
in the Carriage Repair Workshop,  
Mancheswar South Eastern Railway,  
At/PO-Mancheswar, District-Khurda

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Applicant

By the Advocates

M/s.B.S.Tripathy  
M.K.Rath  
J. Pati  
P.K.Barik

- VERSUS -

1. Union of India represented through the  
General Manager, South Eastern Railway,  
Garden Reach, Kolkata-43
2. Chief Personnel Officer, South Eastern  
Railway, Garden Reach, Kolkata-43
3. Chief Workshop Manager (P), Carriage  
Repair Workshop, South Eastern Railway,  
At/PO-Mancheswar Rly. Colony,  
Bhubaneswar-17

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Respondents

By the Advocates

Mr.C.R.Mishra

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O R D E R

MR.B.N. SOM, VICE-CHAIRMAN: Assailing the validity of  
the seniority list dated 24.1.2001 (Annexure-2), applicant  
(Shri Niranjan Acharya), at present working as Skilled  
Grade-III in Carriage Repair Workshop at Mancheswar) has  
approached this Tribunal, in this Original Application  
under Section 19 of the A.T.Act, 1985, for the following  
reliefs:

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- i) To pass appropriate order quashing the seniority list dated 24.1.2001 in Annexure-2;
- ii) To pass appropriate orders directing the Respondents to count the seniority of the applicant w.e.f. 1.3.1987, i.e., the date of his promotion as Fitter Skilled Grade-III at Mancheswar Carriage Repair Workshop.

2. Respondents-Railways have filed their counter opposing the prayer of the applicant. The facts as averred by the applicant are not in dispute. The sole point on which the Respondents-Railways' plea is based is that some of the employees like that of the applicant, being aggrieved with the publication of provisional seniority list dated 26.9.1991 in respect of Fitter Skilled Gr.III (vide Annexure-1 to the O.A.) had approached this Tribunal in O.A.No.95/92 with prayer for direction count their adhoc service periods for the purpose of fixation of seniority. This Tribunal vide order dated 9.8.2000 directed the Respondents to revise the seniority list taking into account the adhoc service of the applicants therein for the purpose of their regularisation and seniority. It is in this background, in pursuance of the said direction of the Tribunal, the Respondents published the seniority list dated 24.1.2001(Annexure-2), which is sought to be quashed.

3. We have heard the learned counsel for the parties and perused the materials put up before us.

4. Recently, this Bench in O.A.No.409/2001 disposed of on 21.9.2004 (K.Adinarayan vs. Union of India & Ors.) took note of the facts and circumstances which are nodoubt similar to the instant case and

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after examining ins and outs of the matter in its proper perspective allowed the prayer of the applicant therein to fix his seniority with reference to his promotion as Skilled Gr.III with effect from 31.8.1984 and to grant him other benefits to which he is entitled to. The principle to be decided in this O.A. having been settled already in O.A.No.409/01 (supra), there is no need for us to deal with the facts and circumstances as revealed in the O.A. as well as counter.

5. For the reasons recorded above, we hereby quash/set aside the impugned seniority list dated 24.1.2001 (Annexure-2) with direction to Respondents to recast the fresh seniority list of Fitter Skilled Gr.III with reference to his date of promotion, i.e., 1.3.1987 and to confer on him the consequential benefits to which the applicant is entitled to.

6. With the above observation and direction, the O.A. is allowed. No costs.

*04.10.04*  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

*[Signature]*  
( B.N. SOM )  
VICE-CHAIRMAN

BJY