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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.155 of 2013

Cuttack this the 29<sup>th</sup> day of July, 2015

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

HON'BLE SHRI R.C.MISRA, MEMBER(A)

Sujit Kumar Panigrahi  
Aged about 28 years  
S/o. late Sarat Chandra Panigrahi  
At present working as Loco Pilot (G)  
Under Chief Crew Controller  
E.Co.Rly., Talcher  
Permanent resident of At/PO-Nuapada  
Dist-Ganjam  
Odisha

...Applicant

By the Advocate(s)-M/s.N.R.Routray

S.K.Mohanty

T.K.Choudhury

Mrs.J.Pradhan

-VERSUS-

Union of India represented through

1. The General Manager  
East Coast Railway  
E.Co.R.Sadan  
Chandrasekharapur  
Bhubaneswar  
Dist-Khurda
2. Senior Divisional Personnel Officer  
E.Co.Rly/Khurda Road Division  
At/PO-Jatni, Dist-Khurda
3. Senior Divisional Electrical Engineer(OP)  
E.Co.Rly/Khurda Road Division  
At/PO-Jatni, Dist-Khurda
4. Chief Crew Controller  
East Coast railway  
At/PO/Dist-Angul
5. Senior Divisional Personnel Officer  
Northern Railway  
Delhi Division  
At-State Entry Road





New Delhi Railway Station  
New Delhi

6. Chief Personnel Officer  
Northern Railway  
Delhi Division  
At-State Entry Road  
New Delhi Railway Station  
New Delhi
7. Chief Personnel Officer  
East Coast Railway  
ECoR Sadan, Chandrasekharpur  
Bhubaneswar
8. Durga Ch.Behera, LP(Goods)  
C/o.Sr.DEE(Con) E.Co.Rly  
Khurda Road Division  
At/PO-Jatni  
Dist-Khurda

...Respondents

By the Advocate(s)-Mr.S.Barik(Res.No.2)

**ORDER**

**A.K.PATNAIK, MEMBER(I):**

Applicant, presently working as Loco Pilot(G) under the Respondent-Railways, has moved this Tribunal seeking the following relief.

- i) To quash the order dated 10.10.2012 under Annexure-A/5 series so far as seniority position at 264 and reasoned order dated 07.02.2013 under Annexure-A/8 .
  - ii) To direct the Respondents to assign the seniority position just below Srl.No.34 of provisional seniority list of Senior ALP as on 25.07.2012.
2. Respondent-Railways have filed their counter opposing the prayer of the applicant.



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3. We have heard Mr.N.R.Routray, learned counsel for the applicant and Mr.S.Barik, learned panel counsel for the Railways and perused the records.

4. During the course of hearing, Mr.Routray brought to our notice wherein the competent authority has re-examined the case and taken a decision as under and submitted that this matter is squarely covered by the decision of this Tribunal dated 24.11.2014 in O.A.No.157 of 2013.

(a) In terms of Para-310 of I.R.E.M., Volume-I, in case of transfer on mutual exchange, the seniority of the junior staff is to be assigned to both, if date of promotion to the grade is not the same for both staff.

(b) So, even though the Staff comes on reversion as A.L.P., he is not to be given his due seniority. If his mutual partner was in the zone of consideration for promotion as Sr.A.L.P. or promoted already as Sr.A.L.P., the incoming staff may be subject to suitability of Sr.A.L.P. on the first available opportunity and if found suitable, he may be given proforma positions in the grade of Sr.A.L.P. that would have normally be assigned to their mutual partner in normal course.

5. In addition to the above, it has been submitted by the Respondents that after taking the aforesaid decision, the entire provisional seniority list of Sr.ALPs published as on 25.07.2012 under this office letter dated 10.10.2012 vide Annexure-A/5 to O.A. has been cross checked and revised/modified duly following the statutory provisions stipulated in Para-310 of IREM and accordingly, provisional seniority list of Sr.ALP has been published as on 23.04.2014 wherein applicant's name



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does not appear in the said seniority list of Sr.ALP as the applicant has already got promotion from Sr.ALP to Loco Pilot (Goods) much earlier to filing of the 1<sup>st</sup> found of litigation, i.e.. O.A.No.973 of 2012 and now the applicant is continuing as Loco Pilot (Goods).

6. On the above point, Mr.N.R.Routray, learned counsel for the applicant does not have any dispute.

7. Having regard to the above, we hold that there remains nothing more in this O.A. for being adjudicated and accordingly, the O.A. having become infructuous is disposed of. No costs.

  
**(R.C.MISRA)**  
**MEMBER(A)**

  
**(A.K.PATNAIK)**  
**MEMBER(J)**