

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A.No.155 of 2013

Cuttack this the 29th 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
Chandrasekharpur
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

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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(J):

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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23

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



24

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 1st 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)