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S.S.Panda vs.UOI

HEARING SL.NO.1

O.A.No.157/13

Date-24.11.2014

CORAM

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

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

Heard Shri N.R.Routray, learned counsel for the applicant and Shri S.P.Mohanty, learned Panel Counsel for the Railways. Shri Routray brought to our notice the relevant averments made by the Respondents in their counter, which read as under.

"...the seniority dispute case was again examined by the competent authority and it has been decided that :-

- i) In terms of Para-310 of IREM, 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.
- ii) So, even though the staff comes on reversion as ALP, he is to be given his due seniority. If his mutual partner was in the zone of consideration for promotion as Sr.ALP or promoted already as Sr.ALP, the incoming Staff may be subject to suitability of Sr.ALP on the first available opportunity and if found suitable, he may be given proforma positions in the grade of Sr.ALP that would have normally been assigned to their mutual partner in normal course.

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OA 157/13

order dt. 24.11.14

copy of final order
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After taking the aforesaid decision, the entire provisional seniority list of Sr.ALPs published as on 25.7.2012 under this office letter dated 10.10.2012 vide Annexure-A/4 to the 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 23.4.2014 wherein the applicant's name does not appear as the applicant has already got promotion from Sr.ALP to LP(G) much earlier to filing of the 1st round of litigation i.e., O.A.No.968/2012 and now he is continuing as such".

Shri Mohanty has no dispute on the stand point as canvased by Shri

Routray.

Having regard to the above position, we are of the view that there remains nothing more to be adjudicated by this Tribunal and in effect, the O.A. is disposed of for having become infructuous.

MEMBER(A)



MEMBER(J)

