

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.119 of 2013
Cuttack this the 27th day of January, 2016

***HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)***

J.S.Prasad Patnaik
Aged about 30 years
Son of Mohandas Patnaik
At present working as Loco Pilot(G) under Chief
Crew Controller/E.Co.Rly., Talcher
Dist-Angul
Permant resident of Vill-Gorribanda
Po-Saravakota
Dist-Srikakulam
Andhra Pradesh

...Applicant

By the Advocate(s)-M/s.N.R.Routray
T.K.Choudhury
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 Engineer(OP)
East Coast Railway
Khurda Road Division
At/PO-Jatni
Dist-Khurda
4. Chief Crew Controller
East Coast Railway
At/PO/Town-Angul, Dist-Angul

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5. Sr.Divisional Personnel Officer
South Central Railway/Vijayawada Division
At/PO-Vijayawada
Dist-Krishna,
Andhra Pradesh
6. Chief Personnel Officer
South central Railway
Rail Naleayam, Secundrabad
Andhra Pradesh
7. Chief Personnel Officer
East Coast Railway
E.Co.R.Sadan
Chandrasekharpur
Bhubaneswar
Dist-Khurda

...Respondents
By the Advocate(s)-Mr.S.K.Ojha

ORDER(Oral)
A.K.PATNAIK, MEMBER(J)

Heard Mr.N.R.Routray, learned counsel for the applicant and Mr.S.K.Ojha, learned panel counsel for the respondents. During the course of hearing, Mr.Ojha drew our attention to the averments made vide Paragraphs-K, L and M of the counter and submitted that in view the submissions made therein the O.A. has become infructuous.

2. For the sake of clarity, the relevant part of averments made vide Paragraphs-K, L & M of the counter are quoted hereunder.

(K) On receipt of the 2nd found of litigations, the seniority dispute case was again examined by the competent authority and taken decision that:

1) In terms of Para-310 of I.R.E.M., Volume-I, in case of transfer on mutual

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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.

2) So, even though the Staff comes on reversion as A.L.P., he is 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 Promotion positions in the grade of Sr.A.L.P. that would have normally been assigned to their mutual partner in normal course.

(L) 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-A6 to O.A. has been cross checked and revised/modified duly following the seniority provisions stipulated in para-310 of IREM, Vol.I and accordingly, provisional seniority list of Sr.ALPS has been published as on 23.4.2014 wherein the applicant's name does not appear in the said seniority list of Sr.A.L.P. as the applicant has already got promotion from Sr.ALPS to Loco Pilot (Goods) much earlier to filing of the 1nd found of litigation i.e., O.A.No.967/12 and he is now continuing as such.

(M) In view of subsequent developments made during pendency of the Original Application, the grievance of the applicant has already been redressed by the Administration..."

3. On being pointed out, Mr.Routray unhesitatingly accepted the above submissions made by the respondents and prayed that grievance of the applicant having been redressed, the O.A. may be disposed of accordingly.

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For the reasons aforesaid, the O.A. is disposed of as
infructuous. No costs.

(R.C.MISRA)
MEMBER(A)

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

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