

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA

OA 447 of 1997

Date of Order : 19-03-2007

Present : Hon'ble Mr. N.D. Dayal, Administrative Member  
Hon'ble Dr. D.K. Sahu, Judicial Member

Arun Kr. Barman & Ors.

-VS-

Eastern Railway

For the Applicant : Mr. B. Mukherjee, Counsel

For the Respondent : Mr. P.K. Arora, Counsel

ORDER

PER MR. N.D. DAYAL, AM:

The Ld. Counsel for the applicants has drawn our attention to the provisional seniority list of 12.6.1996 which has been impugned in this present case. He has pointed out that this seniority list has adversely affected the prospect of the applicants because it has been operated to promote their juniors who have been impleaded as private respondents here. The Ld. Counsel also submits that in the applicants' view the Railways have violated the Rules and since the seniority list is subject to the decisions in O.A. 1234 of 1995 and O.A. 1458 of 1995 as mentioned in the preamble of the seniority list placed at page 43 of the present O.A., the action on the part of the respondents cannot be taken to be final and would be subject to the decisions of the Tribunal in those two OAs. The Ld. Counsel also produces copy of the order passed by this Tribunal in the above two OAs wherein earlier seniority list dated 17.8.1993 was quashed. It is stated that the provisional seniority list of 1996 has its bases in their earlier seniority list and it should be subject to the decision in the above two OAs. In the light of the submission it is stated that the representations made by the applicants challenging the provisional seniority list of 12.6.1996 were not considered by the respondents. As a result of which, they did not get any relief from them and hence, they have come before this Tribunal. It is, therefore,

prayed that while in normal course the revised seniority list having been brought before the respondents in compliance of the order passed by this Tribunal in the above OAs, the respondents have to be impugned herein; but since there is specific endorsement in the provisional seniority list that it would be subject to the decisions in the above two OAs, it is incumbent on the part of the respondents to consider the representations of the applicants keeping in view benefit extended to their juniors.

2. We have taken up this matter under Rule 16 of CAT (Procedures) Rules, 1987 in the absence of Mr. R.M. Roychowdhury, Ld. Counsel for the respondents on record, who is however represented by Ld. Counsel Mr. P.K. Arora, and he submits that the respondents would not be prejudiced if the applicants are granted liberty to prefer a detailed representation before the authorities with regard to their challenge to the provisional seniority list dated 12.6.1996 in view of the decisions of the Tribunal in O.A. 1234 of 1995 and O.A. 1458 of 1995. <sup>Ordered accordingly.</sup> The respondents are, therefore, directed to consider the same keeping in view rules as well as in accordance with law within a period of two months from the date of receipt of such representation.

3. With the above observation and direction, the O.A. is disposed of. No costs.

  
MEMBER(J)

  
MEMBER(A)

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