

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9th August, 2001

OA No.20/2000

Brijendra Singh s/o late Shri Brij Raj Singh r/o I/1-3, Road No.2, Ganpati Nagar, Jaipur presently employed on the post of Chief Office Superintendent, DRM Office, Jaipur

..Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. The Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur
3. Shri Ramjiwan Meena (ST), Office Superintendent, D.R.M. Office, WR, Jaipur.
4. Smt Gangotri Bist, Chief Office Superintendent, DRM Office, WR, Jaipur
5. Shri Pooran Lal (SC) Chief Office Superintendent, DRM Office, Western Railway, Jaipur.

.. Respondents

Mr. C.B.Sharma, proxy counsel to Mr. J.K.Kaushik, counsel for the applicant

Mr. U.D.Sharma, counsel for respondents Nos. 1 and 2

Mr. S.K.Jain, counsel for respondent No.3

Mr. R.A.Katta, counsel for respondent No.4,

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member


This application has been filed under Section 19 of the



Administrative Tribunals Act, 1985 with the prayer that the respondents be directed to recast the seniority of the post of Office Superintendent (for short OS) as per the base grade and modify the impugned seniority list dated 18.8.1998 (Ann.A1) accordingly by placing the applicant above respondent No.3 to 5 with all consequential benefits. Respondent No. 3 Shri Ramjiwan Meena is an ST candidate, respondent No.4 Smt. Gangotri Bist is a general candidate and respondent No.5 Shri Pooran Lal is an SC candidate. The main ground on which the applicant made his claim is that the Apex Court has laid down principle of determining seniority of general candidates vis-a-vis the candidates belonging to SC/ST categories and that the seniority of OS is required to be regulated accordingly.

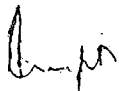
2. When the matter was taken up for hearing, the learned counsel for the respondents placed before us a copy of the seniority list No.ED/1030/9 Bhag IV dated 19.6.2001 issued by the Divisional Railway Manager, Jaipur, which has been taken on record. On perusal of this seniority list, we find that this is a recast seniority list for the clerical categories in MOCG unit of Jaipur Division. This seniority list has been recast keeping in view the directions of Hon'ble the Supreme Court on 16.9.99 in the case of Ajit Singh Januja-II and decision of this Bench of the Tribunal in OA No. 387/99 decided on 29.3.2001 and OA Nos.189/2000 and 171/2000 decided on 29.3.2001. Obviously, by issuing this recast seniority list, grievance of the applicant stands redressed. The learned counsel also submitted that the applicant has been given placement in the grade Rs. 7450-11500 at SL.No.3 and he has been placed above respondent No. 3 and 5 but below respondent No.4.

3. Since there is a categorical declaration that the seniority list has been recast in accordance with the guidelines laid down by Hon'ble the Supreme Court, we consider that the grievance of



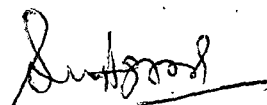
the applicant before us stands redressed. Thus, this application has become infructuous. If the applicant feels aggrieved with this recast seniority list, he is free to file a fresh OA, if so advised.

4. We, therefore, dispose of this OA as having become infructuous with no order as to costs.



(A.P.NAGRATH)

Adm. Member



(S.K.AGARWAL)

Judl. Member