

CENTRAL ADMINISTRATIVE TRIBUNAL ? JABALPUR BENCH, JABALPUR

CIRCUIT COURT AT GWALIOR

Original Application No. 911/2002

Gwalior this the 25th day of April 2003

Hon'ble Shri R.K. Upadhyaya Member (Admnv.)
Hon'ble Shri J.K. Kaushik Member (Judicial)

Abdul Latif Khan,
S/o. Shri Rahamtullah Khan,
Aged 42 years, Occupation-Service,
Presently posted at Rail Spring,
Kharkhana, Gwalior hereinafter
called (RSK), R/o. RSK Colony,
Sithouli, Gwalior (M.P.).

... Applicant

(By Advocate - Shri Vivek Khedkar)

V e r s u s

1. Union of India,
Through The Secretary, Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Central Railway, Chhatrapati
Shivaji Terminal (CST),
Mumbai.
3. The Chief Personnel Officer
(Electrical), Central Railway,
Chhatrapati Shivaji Terminal (CST).
4. The Chief Workshop Manager,
Rail Spring Kharkhana (RSK),
Sithouli, Gwalior (M.P.).

... Respondents

O R D E R (Oral)

By J.K.Kaushik, Judicial Member

By this O.A. the applicant has sought a direction to the respondents to correct the provisional seniority list (Annexure-A-1) dated 3.9.2001 after fixing the correct seniority of the applicant, with effect from 5.8.1994.

2. It is submitted by the applicant that the provisional seniority list of JE-I Gr.5500-9000 (RSHP) of OSM Group of Electrical Department was issued on 3.9.2001, wherein the applicant's name is shown at serial no.32 and date of promotion in the grade is shown w.e.f. 1.6.1996, whereas according to him it ought to have been shown as 5.8.1994. It is submitted by the counsel of the

applicant that since he was aggrieved by this, he gave a representation on 15.1.2002 (Annexure-A-11) to the authorities stating therein reasons as to why he should be granted seniority on the basis of 5.8.1994. Thereafter, the applicant sent several reminders and representations to the respondents but till date the respondents have not given any reply to the applicant and now the applicant has learnt that the department is going to issue the same list as final and is also going to issue the promotion order on the basis of the said list. Therefore, he has no other alternative remedy but to file this O.A.

3. We have heard the counsel of the applicant and perused the pleadings as well.

4. Admittedly, the department has not yet issued any final seniority list nor promotion order has been issued. Therefore, we are of the view that this O.A. at this stage is premature, because he should come only after a final list is issued ignoring his representation or any person junior to him is considered for the next promotion. Nevertheless we feel that the respondents ought to have considered his grievances and at least communicated the result thereof to him so that he could be satisfied. Since the applicant's counsel has stated categorically that respondents have not decided his representation till date, this O.A. can be decided at the admission stage itself by giving a direction to the respondents to consider his representation within a period of two months from the date of receipt of copy of this order and then pass a reasoned order thereon under intimation to the applicant. In case the applicant has any grievance still surviving, he will be at liberty to challenge the same at appropriate stage. With the above directions, this O.A. is

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disposed of finally with no order as to costs. Applicant's counsel is directed to send a copy of this order along with OA to the respondents within a week of its receipt.

JK Kaushik
(J.K.Kaushik)
Member (Judicial)

CK Upadhyaya
(R.K.Upadhyaya)
Member (Admnv.)

rkv.

पूर्णकाल सं. औ/व्या.....जबलपुर, दि.....
प्रतिविधि दात्रे दिन:—

(1) जलेन, जलेन राज्य विधान सभा विधानसभा, जबलपुर
(2) जलेन राज्य विधान सभा विधानसभा, जबलपुर
(3) जलेन राज्य विधान सभा विधानसभा, जबलपुर
(4) जलेन राज्य विधान सभा विधानसभा, जबलपुर

सुनान हेतु आवश्यक दात्रीकारी हेतु

TM Mallaney
उप सचिव

*Applicant A.M. Naik
Alee. G.W.H.*

15/5/03

1.5.03