

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO.912 of 2002

Jabalpur, this the 27th day of February, 2003.

Hon'ble Mr.R.K.Upadhyaya, Member (A)  
Hon'ble Mrs.Meera Chhibber, Member (J)

Gajendra Singh S/o Shri Umacharan  
aged 44 years, Occupation- Service,  
presently posted at Rail Spring  
Kharkhana, Gwalior hereinafter called  
(RSK), R/o RSK Colony, Sithouli,  
Gwalior (MP)

-APPLICANT

(By Advocate- Mr. Sandeep Aole)

Versus

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 (CSR), Mumbai.
4. The Chief Workshop Manager,  
Rail Spring Kharkhana (RSK)  
Sithouli, Gwalior (MP)

-RESPONDENTS

O R D E R (ORAL)

By Hon'ble Mrs.Meera Chhibber, Member (J) :

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.

2. It is submitted by the applicant that the provisional seniority list of JE-I, Gr5500-9000 (RSHP) of OSM Group of Electrical Department was issued on 3.9.2001, which was received by the applicant on 1.10.2001 wherein the applicant's name is shown at Sl.No.31 and date of promotion in the grade is shown wef 1.6.1996, whereas

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according to him it ought to have been shown as 01.06.1991. It is submitted by the counsel of the applicant that since he was aggrieved by this, he gave a representation on 8.10.02 (Annexure A-10) to the authorities stating therein reasons as to why he should be granted seniority on the basis of 1.6.1991. 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 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 atleast 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. <sup>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</sup>

challenge the same at appropriate stage. With the above directions, this O.A. is disposed of finally with no order as to costs. Applicant's counsel is directed to send a copy of this order alongwith OA to the respondents within a week.

(Mrs. Meera Chhibber)  
Member (J)

(R.K. Upadhyaya)  
Member (A)

'MA'

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प्रधानमंत्री से ओ/न्ता..... जलपुर, वि.....  
प्रतिनिधि इन्होंने दिया.....  
(1) सचिव, राज्य सभा, नियम विभाग, जलपुर  
(2) सचिव, राज्य सभा, नियम विभाग, जलपुर  
(3) सचिव, राज्य सभा, नियम विभाग, जलपुर  
(4) सचिव, राज्य सभा, नियम विभाग, जलपुर  
सूचना के लिये विवरण दिया गया है।

for next O.A. - general

24 अक्टूबर  
6/3/03

Issued  
on 5.3.03  
BS