

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 3rd day of October, 2008

ORIGINAL APPLICATION NO. 82/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

Abdul Shakoor,
Passenger Driver,
West Central Railway,
Gangapur City.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur.
2. Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota.
3. Sr.Divisional Electrical Engineer (TRO),
West Central Railway,
Kota Division,
Kota.
4. CTCC, West Central Railway,
Gangapur City.

... Respondents

(By Advocate : Ms.Sonal Singh, proxy counsel for
Shri Alok Garg)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying
for the following relief :

"That the respondents may be directed to assign seniority to the applicant at S.No.1 in the cadre of Passenger Loco Pilot scale Rs.5500-9000 by deleting name from S.No.24 by modifying seniority list (Ann.A/1) and letter dated 23.8.2005 (Ann.A/5) with all consequential benefits.

2. Briefly stated, fact of the case are that the applicant ^{while} working as Passenger Loco Pilot was imposed penalty of reversion to the post of Goods Driver in the scale Rs.5000-8000 by fixing his pay at the stage of Rs.5750/- for two years with cumulative effect with loss of seniority. Appeal filed against this order was also rejected by the appellate authority. Feeling aggrieved, the applicant had filed OA [442/2005] before this Tribunal. The said OA was disposed of vide order dated 17.9.2008 thereby holding that the penalty of reversion to the lower post with loss of seniority was not commensurate with the offence/fault/misconduct committed by the applicant. The matter was remitted back to the disciplinary authority for reconsideration, more particular on the question of seniority in the light of decision rendered by the Apex Court in the case of Union of India & Anr. v. S.C.Parashar.

3. In view of the above, we are of the view that the present OA does not survive for consideration at this stage. Accordingly, the same shall stand disposed of. Needless to add that in case the applicant still feels aggrieved, it will be open for him to file another OA for the same cause of action. No order as to costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)