

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3822/2017
M.A. No. 4041/2017

New Delhi, this the 3rd day of November, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

1. Ritesh Kumar Srivastava
(Aged about 39 years)
S/o Shri Jagdish Saran,
Assistant Loco Pilot (Goods) Group 'C'
RAC (Under DRM Moradabad).
2. Hemant Upadhyaya
(Aged about 39 years)
S/o Shri R. Upadhyaya,
Assistant Loco Pilot (Goods) Group 'C'
Hapur (Under SS Hapur, Northern Railway).
3. Jitender Kumar
(Aged about 40 years),
S/o Shri R. Kali Ram Singh,
Loco Shed Laksar (MB) Group 'C'
R/o 114, Laddhawala Muzaffar Nagar (U.P.).
4. Mukesh Rathor
(Aged about 35 years),
S/o Shri Muneem Rathor,
Loco Pilot (Goods) Group 'C'
Loco Lobby Balamu, Northern Railway Balamu.
5. Ajay Kumar Pal
(Aged about 37 years),
S/o Shri Pitam Singh,
Loco Pilot (Goods) Group 'C'
Loco Shed, Laksar. .. Applicants

(By Advocate : Mrs. Meenu Mainee)

Versus

Union of India : Through

1. General Manager,
Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway,
Moradabad.
3. Shri Gyanender Kumar Vishkarma,
S/o Shri Ram Kishore Vishkarma,
Loco Pilot (G),
Under DRM Moradabad.
4. Shri Neeraj Kumar Verma,
S/o Shri Janak Kishore Prasad,
Loco Pilot (G),
Under DRM Moradabad. .. Respondents

(By Advocate : Shri P.K. Singh for Shri Rajeev Kumar)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard the learned counsel for the applicant.

2. The office objection is over-ruled.
3. MA 4041/2017 filed for joining together is allowed.
4. The applicants, who are presently working as Assistant Loco Pilots, filed the O.A. questioning the Annexures A-1 and A-2 proceedings of the respondents whereunder the respondents, while issuing a provisional seniority list of Assistant Loco Pilots, called for objections, if any, from the concerned persons.

5. It is submitted that the respondents have issued the provisional seniority list vide Annexure A-2, dated 29.12.2016, and though the applicants have submitted their objections to the same, the respondents inspite of expiry of about more than 10 months, without finalising the same, proceeding to affect promotions in the next higher category basing on the said provisional seniority list.

6. It is further submitted that the applicants were seniors to number of persons and shown above in the earlier seniority list, however, affecting promotions, without considering their objections to provisional seniority list, basing on the said provisional seniority list is illegal and bad.

7. Even as per the applicants, the impugned Annexure A-2 is a provisional seniority list, for which they have submitted objections and that the respondents have not yet issued the final seniority list, either accepting or rejecting the objections.

8. In the circumstances, the O.A. is disposed of, without going into the merits of the case, by directing the respondents to issue the final seniority list in pursuance of Annexure A-2, dated 29.12.2016, after considering the objections of the applicants and others, if any,

as per Rules, within a reasonable time, preferably within 90 days from the date of receipt of a copy of this order. No order as to costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

/Jyoti/