

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/1107/2017

Date of order : 6.3.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

SUDHIR PRASAD

S/o Raghuni Prasad,
Aged about 38 years,
R/o Vill – Bara, PO – Nagwan,
PS – Imamgang, Dist. – Gaya
Pin – 824210, Bihar.

...APPLICANT

VERSUS

1. Union of India, through
The General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700001.
2. The Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
Kolkata – 700001.
3. Workshop Personnel Officer,
C&W Liluah,
Eastern Railway,
Howrah – 711204.
4. Chief Medical Superintendent,
Liluah,
Howrah Division,
Eastern Railway,
Howrah – 711204.
5. Mr. Ramasrey Jeswara,
Ticket No. 423,
Working as Technician Grade III/
CWM/Liluah/HWH, Liluah,
Howrah Division,
Eastern Railway,
Howrah – 711204.
6. Md. Aftab Alam,
Ticket No. 3323,
Working as Technician Grade-III/
CWM/Liluah/HWH, Liluah,
Howrah Division,
Eastern Railway,
Howrah – 711204.

7. Mr.Anil Kumar Viswakarma,
 Ticket No. 3323,
 Working as Technician Grade-III/
 CWM/Liluah/HWH, Liluah,
 Howrah Division,
 Eastern Railway,
 Howrah – 711204.

...RESPONDENTS

For the applicant : Mr.A.Chakraborty, counsel
 Ms.P.Mondal, counsel

For the respondents: Mr.A.K.Guha, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.A.Chakraborty, 1d. Counsel assisted by Ms.P.Mondal, 1d. Counsel appeared on behalf of the applicant and Mr.A.K.Guha, 1d. Counsel appeared on behalf of the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order do issue directing the respondents to recast the seniority list published on 1.2.2016 and fix the seniority of the applicants above the private respondents;
- b) An order do issue directing the respondents to grant promotion to the applicant w.e.f. the date private respondents were promoted and to grant all consequential benefits.

3. The brief fact as narrated by the 1d. Counsel for the applicant is that the applicant joined in Group D post as Helper II, Mechanical, under the railway respondents in the month of April, 2012. But some of his juniors were shown senior to him in the seniority list. Therefore the applicant has made representation before the respondent authorities on 22.2.2016 opposing the seniority list because the seniority list was prepared in violation of the order passed by this Tribunal in OA 325/2013 dated 8.12.2015. Without finalizing the seniority list the respondents conducted suitability test for promotion to the post of Technician Grade III and published a list of eligible candidates, where the applicant didn't find his name. Hence the applicant has approached this Tribunal in the present OA.

4 Mr.A.K.Guha, 1d. Counsel appearing for the respondents submitted an office order dated 7.2.2018 by which the staff who were found suitable in the Trade Test have been promoted to the post of Tech-III category in Leverl-2 (PB-I, Rs.5200-20200/-, GP-Rs.1900/-). The order dated 7.2.2018 reveals the name of the applicant at Sl. No.9.

5. In view of the above, the OA is disposed of by taking on record the office order dated 7.2.2018 submitted by the 1d. Counsel for the respondents. However, 1d. Counsel for the applicant submits that the matter for seniority still survives. As such liberty is granted to the applicant to file a separate case for seniority if he so desires. No order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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