

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00192 of 2015

Date of Order: This, the 21st day of February 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

Sri Sudhir Mandal
Son of Late Dhirendra Chandra Mondal
Resident of Railway Quarter No. 592 (A)
Mahabirstan, Police Station – Bongaigaon
Dist – Bongaigaon, Assam – 783381.

... Applicant.

By Advocates: Mr. Nandan Sarkar & Mrs. J.C. Sarkar

-Versus-

- 1 The Union of India
 Represented by the General Manager
 North East Frontier Railway, Maligaon
 Guwahati – 781011.
2. Financial Adviser and Chief Accounts Officer
 North East Frontier Railway, Maligaon
 Guwahati – 781011.
3. The Chief Mechanical Officer
 North East Frontier Railway, Maligaon
 Guwahati – 781011.
4. The Chief Workshop Manager (C&W)
 North East Frontier Railway
 New Bongaigaon Division
 Bongaigaon, Assam – 783381.

5. The Deputy Chief Mechanical Engineer (C&W)
North East Frontier Railway
New Bongaigaon Division
Bongaigaon, Assam – 783381.
6. Sri Ranjit Kumar Das
Son of Late Jogesh Chandra Das
Resident of Salbagan
(Near Leela Gas Godown)
Post Office – Bongaigaon
P.S. – Bongaigaon, Assam – 783380.

... Respondents

By Advocate: Mr. S. Choudhury, Railway counsel

ORDER

N. NEHSIAL, MEMBER (A):

In the present O.A. No. 040/00192/2015, the applicant has sought the following main reliefs:

- “8.a Set aside and quash the Revised Provisional Seniority List of Revetter Gr. I (TECH-I) dated 28.01.2014 issued by the Respondent No. 4 wherein the present applicant has been shown to be as Junior to Respondent No. 6.
- b. Set aside and quash the Memorandum dated 30.07.2014 issued by the Respondent No. 4 through which the Respondent No. 6 has been promoted to the post of Senior Technician.
- c. Any other relief (s) that the Applicant is entitled to in the facts and circumstances of the instant case as may be deemed fit and proper by this Hon'ble Tribunal.”

2. This is a simple case wherein the applicant Sri Sudhir Mandal is asking for maintaining his initial status of seniority with

reference to private respondent No. 6 i.e. Ranjit Kumar Das. The applicant was initially appointed on 28.11.1984 vide office order No. 88 dated 27.11.1984. The private respondent No. 6 Sri Ranjit Kumar Das is indicated as appointed on 23.11.1984. In the seniority list notified by the respondents dated 20.06.1987, the applicant was indicated as Sl. No. 17 whereas the private respondent No. 6 is put at Sl. No. 24. Subsequently, vide office order No. 289, the applicant was promoted to Skilled Rivotter and this has been notified in their office order dated 26.05.1993. In the same order, the respondent No. 6 was also indicated to have been promoted on 1st December 1989. Subsequently both of them have been promoted to Gr. II & Gr. I on the same dates i.e. 11.01.1995 and 26.03.2003 respectively.

3. In spite of the above facts, the respondent authorities claimed to have rectified the above seniority position by putting Sri R.K. Das i.e. respondent No. 6 senior to the applicant after stepping up of his pay with his junior Sri Sudhir Mandal i.e. applicant w.e.f. 01.05.1988 vide their letter No. E/M/255/pt-VII (Loose) dated 10.10.2014. But on what basis this stepping up of Sri Ranjit Kumar Das (private respondent No. 6) has been done with reference to the applicant is not clear from the submission made by the respondent authorities.

4. In the written statement filed by the respondent Nos. 1 to 5 on 07.10.2015, they claimed to have made correction on the basis of the initial date of joining the services wherein the applicant was recorded to be appointed on 27.11.1984 and the private respondent No. 6 was appointed on 22.11.1984 i.e. 5 days prior to the date of appointment of the present applicant. But it is not clear from the records whether the seniority of these individuals have been purely on the basis of date of joining. For instance, seniority of the Khalasi Helper/Helper Sanitary Cleaners as notified on 20.06.1987, Sl. No. 10 Sri Soshil Ch. Roy whose date of appointment was 01.12.1984 has been put senior to those individuals from Sl. No. 11 to 17 who have joined on different dates in November 1984. Simultaneously, Sl. Nos. 19 & 20 have also joined in November 1984. This aspect has not been duly elaborated and explained by the respondent authorities.

5. Notwithstanding the above facts in the subsequent promotion to the higher grade i.e. Gr. III the applicant Sri Sudhir Mandal had been promoted on 1st May 1988 whereas the private respondent No. 6 Sri Ranjit Kumar Das was promoted only on 1st December 1989.

6. Keeping in view of above facts, we felt that the applicant has justified merit to maintain his original seniority with reference to

the private respondent No. 6. Accordingly, O.A. stands allowed and the impugned Revised Provisional Seniority List of Revetter Gr. I (TECH-I) dated 28.01.2014 issued by respondent No. 4 wherein the present applicant has been shown to be as Junior to the respondent No. 6 and Memorandum dated 30.07.2014 issued by the respondent No. 4 through which the respondent No. 6 has been promoted to the post of Senior Technician are hereby quashed and set aside.

7. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)