

Central Administrative Tribunal
Principal Bench, New Delhi
OA No.1537/ 2015, MA NO.1401/2015

New Delhi, this the 30th day of October, 2019

Hon'ble Mr. S.N.Terdal, Member (Judicial)
Hon'ble Mr.A.K. Bishnoi, Member (Administrative)

1. Anuj Kumar, aged 34 years
S/o Sh. Padam Sen,
Working as Senior Loco Pilot,
Northern Railway, Sharanpur (U.P)
R/o Gandhi Nagar, Muzafarnagar, (UP)
2. Sunil Kumar, aged 37 years
S/o Sh. Roop Ram,
Working as Senior Loco Pilot,
Northern Railway, Sharanpur (UP)
R/o Vill & PO Dewatheri (Deoband)
Distt. Sharanpur (UP)
3. Ishwar Singh, aged 43 years
S/o Sh. Mahipal Singh
Worknig as Senior Loco Pilot,
Northern Railway, Sharanpur (UP)
R/o Village Ibrahimpura, Post Saraswa,
Distt. Sharanpur (UP)
4. Ram Kumar, aged 38 years
S/o Sh. Shyam Lal
Working as Senior Loco Pilot
Northern Railway, Sharanpur (UP)
R/o Vill &Po Khajuri Akbarpur,
Distt. Sharanpur (UP)
5. Purshottam Kumar, aged 31 years
S/o sh. Rishipal
Working as Senior Loco Pilot
Northern Railway, Sharanpur (UP)
R/o Sharanpur (UP)
6. Jitender Kumar, aged 32 years
S/o sh. Sheesh Pal
Working as Senior Loco Pilot
Northern Railway, Sharanpur (UP)
R/o Sharanpur (U.P)
7. Shivendra Kumar Bharti, aged 35 years
S/o Sh. Ram Kishan,
Working as Senior Loco Pilot
Northern Railway, Sharanpur (UP)
R/o Shanpur (UP) -Applicants

(By Advocate: Mr.Yogesh Sharma)

Versus

1. Union of India through the General Manager,
Northern Railway,Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Delhi Division,
State Entry Road, New Delhi.

3. The Divisional Railway Manager,
North-Western Railway, Bikaner Division
Bikaner,
4. The Divisional Railway Manager,
Northern Railway, Ambala Division,
Ambala (Haryana).
(By Advocate: Mr. S.M.Arif, Mr.A.K.Shrivastava)

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.N. Terdal, Member(J):-

Heard Mr. Yogesh Sharma, counsel for the applicant and Mr.S.M.Arif & Mr.A.K. Shrivastava, counsel for the respondents.

2. The relief prayed for in this OA are as follows:-

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not fixing the seniority of the applicants at appropriate place on their mutual transfer in Ambala Division is illegal, arbitrary and against the rules and consequently pass an order directing the respondents to fix the seniority of the applicants at par with their counter parts to whom they mutually transfer by taking into account their date of appointment as ALP and Sr. ALP with all the consequential benefits.

(ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order of quashing the impugned seniority list dt.19.06.2013 (Annex.A/1) only to the extent of fixation of their seniority in the seniority list. 19.6.2013 and consequently pass an order directing the respondent to treat the applicant posting the post of Sr. Assistant Loco Pilot at the time of their transfer with all the consequential benefits.

(iii) That the Hon'ble Tribunal may further graciously be pleased to pass an order of quashing the impugned orders dated 3.7.2013 (Annex.A/2) order dated 9.7.2013 (Annex.A/3), order dated 11.9.13 (Annex. A/4), order dated 30.8.12 (Annex.A/5), order dated 14.3.2012 (Annex.A/6), order dated 14.3.2012 (Annex.A/7) and order dated 24.5.2012 (Annex. A/8) only to the extent by which the applicants have been reverted to the post of Assistant Loco Pilot only for the purpose of transfer.

(iv) Any relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant with the costs of litigation."

3. At the time of hearing, the counsel for the applicants brought to our notice the reply filed by the respondent Nos.1,2 & 4, with respect to the averments made in para 4.14 of the OA. In the said reply the respondents have specifically stated that the representation of the applicants to the provisional seniority list was received and after examining the same, they have issued a revised seniority list. But, however, the same has not been communicated to the applicants.

4. Learned counsel for the applicants submits that this OA be disposed of with a direction to the respondents to communicate their revised seniority list as stated in the counter affidavit. The relevant portion of the counter affidavit is extracted as below:-

"Para 4.14: That the contents of the Para 4.14 of the OA need no comments from the answering respondents. However, it is submitted that the representation to the Seniority List were received in this Office and after examination of the same their Seniority Position was revised and according to their revised Seniority Position those applicants, who were due for promotion for the post of Sr.Assistant Loco Pilot in the Pay Band of Rs. 5200-20200 with Grade Pay 2400/-, were placed on the Provisional Panel for the post of Sr. Assistant Loco Pilot in the Pay Band of Rs. 5200-20200 with Grade Pay 1900/- , and as such promoted vide DPO /Ambala Cantt. Letter No. 755/E/6/CR/Pt.V/P2A/UMB dated 03.03.2014 and letter No.755/E/6/CR/Pt.V/P2A/UMB dated 25.05.2015."

(Emphasis supplied)

5. In view of the counter reply extracted above, we direct the respondents to supply the said revised seniority list and consequent provisional panel prepared for the post of Sr. Assistant Loco Pilots in the Pay Band of Rs.5200-20200/- with grade pay 2400/-, to the applicants within a period of two months from the date of receipt of a certified copy of this order. Accordingly, this OA is disposed of. No order as to the costs. All pending MAs are also disposed of.

(A.K.Bishnoi)
Member(A)

(S.N. Terdal)
Member (J)

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