
(1984) 01 RAJ CK 0019
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1426/81

Nathu Mal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 02-01-1984

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1984) WLN 72

Hon'ble Judges : Shyam Sunder Byas, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.S. Byas, J.—By this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the re-determination of his seniority.

2. Briefly stated, the case put forward by the petitioner is that he was initially recruited as Tube Cleaner in Jodhpur Division of Northern Railway on 11-2-1958. Promotions were allowed to him from time to time and lastly he was promoted as Diesel Assistant, which post he is holding at present. His seniority was in between Pancha Ram and Lala Ram later on, in 1980, the seniority list was revised and he was put at serial number 66 as mentioned in seniority list annexed with letter dated. 27-9-80. The petitioner filled representation before the concerned Authority on 26-10-80 but it was not taken into consideration and another seniority list Ex. 2 was published on 10-6-81, in which the petitioner was assigned serial number 64. The petitioner again submitted a representation which was rejected by the concerned Authority. In pursuance to the seniority list Ex. 2 employees who have been impleaded as respondents No. 4 to 26 and who are junior to the petitioner, were promoted to the post of Shunter (B) on 14-8-81. It was averred that the two seniority lists referred to above have not been correctly prepared and employees junior to the petitioner have been shown as senior to him. His representations were dismissed without hearing him. It was prayed that the seniority lists Ex. 1 and 2 the promotions made on their

basis by order dated 14-8-81 be quashed.

3. No reply on behalf of the respondents was filed. On 4-10-82 (vide order-sheet of this Court), Shri J.P. Joshi appearing for the respondents No. 1, 2 and 3 submitted in the court that orders have been passed by the competent Authority restoring the proper seniority of the petitioner. On 13-10-82 (vide order-sheet of this Court) Shri Shrimali, learned Counsel appearing for the petitioner, submitted that though the seniority has been restored to his client, full relief has not been granted to him because the promotions of the employees junior to him have not been set aside and the petitioner has not been promoted in accordance with his restored seniority. It was prayed that in the changed circumstances, respondents No. 1, 2 and 3 be directed to give proper relief to the petitioner on the basis of his restored seniority.

4. I have heard the learned Counsel. The only question which now survives for decision is as to what relief should be granted to the petitioner in view of the changed circumstances arising due to the restoration of seniority to him. Admittedly, the seniority has been restored to the petitioner as claimed by him. Admittedly again, employees junior to him have been promoted and he has not been promoted as yet. In the context of these circumstances I it would be fair and proper that proper directions be issued to respondents NO. 1, 2 and 3 to consider the petitioner's case for promotion on the day his immediate junior was promoted.

5. The petition is allowed. Respondents No. 1, 2 and 3 are directed to consider the petitioner for promotion keeping his restored seniority in view in the vacancy existing on the day his immediate junior was promoted. No order as to costs.