

Dd 58 26.09.2024

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellant Side*

WPCT 3 of 2024

***Smt. Abira Poddar
Vs.
Union of India & Ors.***

*Mr. Amales Ray,
Mr. Nigam Mittal, Advocates
... .. For the Petitioner*

*Mr. Sudipto Kumar Mazumdar, Id. DSGI
Mr. Ajoy Kumar Singhania, Advocates
... .. For the respondent Nos. 1 to 5*

1. Petitioner assails an order dated March 22, 2024 passed by the Central Administrative Tribunal in OA 350/1034 of 2018.
2. Learned advocate appearing for the petitioner submits that the Authorities gave precedence to an administrative order over a statutory Rule in deciding the seniority amongst the same cadre when, there is a transfer from one division to the other of a Railway employee. In support of such contention he draws the attention of the Court to the statutory Rule and the administrative order governing the transfer order in relation to the petitioner.
3. Railway Authorities are represented.
4. We perused the relevant materials in the writ petition.

5. Writ petitioner approached the Central Administrative Tribunal by way of Original Application being OA 350/1034 of 2018. The first prayer in such application is with regard to an office order dated June 21, 2018. The second prayer is quashing/setting aside seniority list dated August 26, 2010. The other prayers relate to the seniority list dated August 26, 2010.
6. Relief that the petitioner sought before the Central Administrative Tribunal centres around the seniority list dated August 26, 2010.
7. Admittedly, the last transfer of the petitioner was an inter division transfer within the Railways. Such transfer was effected on July 6, 2009. Subsequent thereto, the seniority list of the post of Head ECRC was prepared by the Divisional Railway Manager(P), Katihar Divisin, N. F. Railways.
8. It is not the case of the writ petitioner that she was not aware of the seniority list. Despite being aware of the seniority list, no objection was taken by the writ petitioner to such seniority list. In such seniority list, she was placed at the bottom of the list.
9. Thereafter, she claimed that, she should be considered for promotion on the basis of seniority which was rejected by the Office Order dated June 21, 2018.
10. Rejection of the claim of the writ petitioner for promotion on the basis of seniority is founded upon the seniority list dated August 26, 2010 which remained in force over a period of time. It is trite law that a writ Court or, in fact, the

Tribunal is slow to interfere with a seniority list which attained finality over a period of time.

11. Moreover, writ Court is not to extend its assistance to a recalcitrant litigant.
12. In the facts of the present case, the writ petitioner accepted the seniority list dated August 26, 2010 at the material point of time. Writ petitioner is seeking to assail such seniority list which attained finality which she should not be permitted to do.
13. In such circumstances, we find no merit in the writ petition.
14. WPCT 3 of 2024 is accordingly **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)