

7th July, 2025
(D/L No.43)
Ct. No.4
(SKB)

W.P.C.T.143 of 2024

Sanjoy Adhikari and others
Versus
Union of India and others

Mr. Sagar Bandhyopadhyay,
Mr. Amitava Raha
... for the petitioners.

1. None appears for the respondents when the matter is called on.
2. Heard the learned counsel for the petitioners.
3. The brief factual background which led to filing of the O.A. before the Central Administrative Tribunal, Kolkata Bench by the applicants/petitioners is that they emerged successful and found place in a panel of 53 candidates created by the Regional Recruitment Board, Malda on 26.03.2008. The successful candidates total 53 were distributed in two different Divisions, namely, Alipurduar and Rangiya.
4. The present petitioners were amongst the 30 persons who were earlier allotted to Rangiya Division but subsequently re-allotted to the Alipurduar Division on 19.06.2008. After their document verification, medical examination and

completion of initial training from 01.10.2008 to 29.05.2009, they were appointed as Assistant Loco Pilots in Alipurduar Division on 29.07.2009.

5. Another set of 23 candidates who were allotted to Alipurduar Division had joined therein after completion of all these formalities, prior to the present petitioners, i.e. on 14.01.2009.
6. The writ petitioners, in 2019 filed a representation before the Chief Personal Officer, North Frontier Railway, Maligaon, Assam seeking reassignment of the seniority at the entry level, in the grade of Assistant Loco Pilot as on 01.04.2015. The representation was rejected relying upon a Master Circular Number 37 issued by the Railway Board requiring a person aggrieved by determination of his seniority to represent within a period of one year after publishing of the seniority list.
7. In the present case, seniority lists were published in the year 2011, 2013, 2015, 2017 and 2018 but the petitioners did not raise any objection regarding their seniority position. A plea has been raised by the learned counsel representing the petitioners that it was incumbent duty of the respondent authorities to correct the seniority position since the petitioners were deprived of their due seniority because there was an

administrative delay in their joining process, which lead to others who are inferior in the merit panel to steal a march on over the petitioners. He submits that only when the petitioners made application under the Right to Information Act, 2005 in 2019 that the petitioners came to know that they were senior in the merit panel prepared at the stage of initial appointment to those who got a higher seniority in the grade of Assistant Loco Pilot by virtue of their fortuitous earlier joining based on administrative reasons.

8. We requested the learned counsel for the petitioners to show as to what prompted the petitioners to make an application under the RTI in the year 2019 when the petitioners had joined in the year 2009. Since their joining they have been ranking junior to the private respondents and had been consistently shown as juniors in the at least five seniority lists referred to above.
9. The RTI application was not enclosed before the Tribunal, nor does it form part of the present writ proceedings. There is no basis to show that there was any genuine ground so as to constitute sufficient cause for making an application under the RTI 10 years after assignment of seniority, so

as to provide the basis for challenging such seniority after a decade.

10. At this juncture, the learned counsel for the petitioners/applicants submits that the petitioners would be satisfied if their claim for financial benefits is allowed with effect from the date on which it was granted to the private respondents. If the authorities extend the financial benefits, the petitioners would not be claiming any seniority over the private respondents.

11. In view of such submission of the learned counsel for the petitioners and since we find that this issue was not raised by the writ petitioners before the Tribunal, or in the representation filed by the petitioners, we are of the view that if the petitioners confine their relief for financial benefit, without questioning the seniority of the private respondents, then they are required to make a representation for such benefit giving all the details of their claims.

12. We are informed by the learned counsel that the respondent no.2 is the competent authority for considering such claim of the petitioners. The earlier representation was also made to the respondent no.2. In view of the above noted

submissions and since the claim is to be considered by the respondent no.2, we allow liberty to the petitioners to make individual representations to the respondent no.2 in terms of the submissions advanced on their behalf, taken note of above.

13. With such liberty and without expressing any opinion on the merits of such claim, we dispose of the writ petition.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the petitioners upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)