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Central Administrative Tribunal
Principal Bench

O.A. No. 584 of 2002
M.A. No. 497 of 2002

New Delhi, this the 12th March, 2003

HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. A.P. NAGRATH, MEMBER (A)

1. Dwarika Prasad,
S/o Shri Mool Chand,
working as Office Superintendent-II,
Personnel Branch,
Northern Railway,
Baroda House,
New Delhi-1
2. Rajender Prasad,
S/o Shri Jawala Deen,
working as O.S.-II,
Personnel Branch,
Northern Railway,
Baroda House,
New Delhi.

...Applicants.

(None for the applicants)

Versus

1. Union of India through
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Deputy Chief Personnel Officer(HQ),
Northern Railway,
Baroda House,
New Delhi.

...Respondents.

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

Justice V.S. Aggarwal

The applicants are scheduled caste. By virtue of this application, the applicants seek quashing of orders dated 24.12.2001 and 30.1.2002 with a direction to promote them by restoring their original seniority, with consequential benefits.

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2. It is not disputed by the learned counsel that the issues raised in this case with regard to the revision of the seniority list as per the decision of Hon'ble Supreme Court in Ajit Singh Vs. State of Punjab and Others (AIR 1999 SC 379 read with the subsequent decision of the Hon'ble Supreme Court with regard to the 85th Amendment of the Constitution regarding the determination of the seniority of the staff belonging to SC/ST communities is subjudice before the Hon'ble Supreme Court. Both learned counsel for parties have also submitted that the question of issuance of the seniority list with regard to the employees, who belong to the reserved categories, is, therefore, to be done after the decision by the Hon'ble Supreme Court. The Apex Court has also issued a status-quo order in March, 2002.

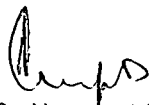
3. In the facts and circumstances of this case and taking into account the submissions made by the learned counsel for the parties, we are of the view that as the relevant facts and issues raised in this present OA is subjudice before the Hon'ble Apex Court, it would be appropriate to dispose of this OA as follows:


"The respondents shall take further decision on the issues raised in this OA in accordance with the decision and directions of the



Hon'ble Supreme Court in the aforesaid pending case."

The OA is disposed of.


(A.P. Nagraath)
Member (A)


(V.S. Agarwal)
Chairman

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