

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2191/2001

This the 18th day of September, 2002

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

1. Shri Jawahar Lal
S/o Shri Bihari Lal
Office Supdt.I
Engineering Branch
D.R.M. Office
New Delhi.

2. Shri R.D. Khanna
S/o Shri Ganga Ram
Office Supdt.I
Engineering Branch
D.R.M. Office
New Delhi.

-Applicants

(By Advocate: Shri S.K. Sawhney)

Versus

1. Union of India through
General Manager
Northern Railway
Baroda House
New Delhi.

2. Divisional Railway Manager
Northern Railway
DRM Office, Chelmsford Road
New Delhi.

3. Mr. Jasphin Ming
S/o Mr. Emid
Office Supdt.I
Engineering Branch
Northern Railway
DRM Office
New Delhi.

4. Shri Hari Sahay Meena
S/o Shri Anandi Lal
Office Supdt.I
Engineering Branch
Northern Railway
DRM Office
New Delhi.

-Respondents

(By Advocate: Shri Rajeev Bansal)

ORDER (Oral)

Shri Shanker Raju, Member (J)

Applicants in this case have sought quashing

(12)

of seniority list dated 18.9.97 with a direction to respondents to recast the seniority and to accord them promotion to the post of Chief Office Superintendent in view of the decision of the Apex Court in Ajit Singh (II) Vs. State of Punjab & Ors., JT 1999 (7) SC 153. Reliance has been placed on a decision dated 29.5.2002 of a co-ordinate Bench in OA No. 2160/2001, Shri S.K. Shandil Vs. Union of India, wherein respondents had not disputed the position regarding recasting the seniority on the basis of Ajit Singh II's case (supra) and the Tribunal taking note of the decision of the Apex Court had issued directions to respondents to recast the seniority list within a period of three weeks. It is stated that this is also a covered case.

2. We have considered the rival contention of the parties. In view of pendency of challenge to 85th Constitutional amendment before the Apex court where status-quo is maintained, this O.A. is disposed of with a direction to the respondents to recast the seniority as prayed for in the present O.A. after a final decision is arrived at by the Apex Court. No costs.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.