

Central Administrative Tribunal, Principal Bench  
New Delhi

O.A. No.2249/2001

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New Delhi this the 5th day of June, 2002

Hon'ble Smt. Lakshmi Swaminathan Vice Chairman (J)  
Hon'ble Mr. M. P. Singh, Member (A)

1. Lakhu Meena
2. Bhagwan Dass
3. Vidyadhar
4. Ram Niwas
5. Birbal
6. Bhagirath
7. Kesar Dev
8. Lallu Ram
9. Bhanwar Lal
10. Kalu Ram
11. Sugana Ram
12. Battan Singh
13. Harshai
14. Moth Lal
15. Bhagwan Singh
16. Nathu Meena
17. Ram Partap
18. Laxman Singh
19. Nathu Ram
20. Rattan Lal Meena

All are working as Driver (Passenger/Goods) from Delhi Sarai Rohilla to Bikaner, under DRM office, N.Rly., Bikaner and their particulars are annexed here as Annex.A/. - Applicants  
(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager N.Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Bikaner.
3. The Secretary, Railway Board, Railway Bhawan, New Delhi. - Respondents  
(By Advocate : Shri R.L. Dhawan)

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicants have prayed for a declaration to the effect that the action of the respondents in revising their seniority list without issuing appropriate guide-lines, instructions or orders as ordered by the Hon'ble Supreme Court in

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Ajit Singh-II Vs. State of Punjab and Others (AIR 1999 SC 379) by order dated 16.9.1999 is illegal and arbitrary. They have, therefore, prayed that the seniority list issued by the respondents dated 21.3.2001 may be quashed and set aside.

2. We have heard Shri Yogesh Sharma, Learned counsel for the applicants and Shri R.L. Dhawan, learned counsel for the respondents and perused the relevant documents on record.

3. MA 1877/2001 has been filed by the applicants seeking direction to file a joint application. Heard Shri R.L. Dhawan, learned counsel. One of the main grounds taken by the respondents is that the applicants are not similarly situated, as in the case of some of the applicants, they are posted at places outside Delhi Area, i.e., out side the jurisdiction of the Principal Bench of the Tribunal. However, by Tribunal's order of the Hon'ble Vice Chairman (A) dated 29.8.2001, P.T. No.240/2001 has been allowed and the application has been accordingly retained and heard in the Principal Bench, New Delhi. Accordingly MA 1877/2001 is allowed.

4. 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 the Hon'ble Supreme Court in Ajit Singh-II's case (supra) 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

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the question of issuance of the seniority list/revision of 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.

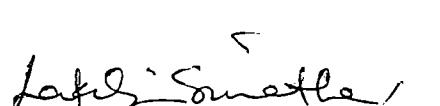
5. Shri R.L. Dhawan, learned counsel for the respondents has relied on a recent order of the Tribunal in a similar case, i.e., Kharaiti Lal Chawla Vs. Union of India and Ors. (OA No.3253/2001) decided on 2.5.2002 in which incidentally both the learned counsel were the same for the parties (copy placed on record). He has, therefore, prayed that the present OA may also be disposed of by a similar order.

6. In the facts and circumstances of the 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 the present OA are subjudice before the Hon'ble Apex Court, it would be appropriate to dispose of this OA as follows -

The respondents shall take further decision in the issues raised in this OA, in accordance with the decision and directions of the Hon'ble Supreme Court in the aforesaid pending case.

No order as to costs.

  
( M.P. Singh )  
Member(A)

  
( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

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