

Central Administrative Tribunal, Principal Bench

Original Application No.3253 of 2001

New Delhi, this the 2nd day of May, 2002

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

Kharaiti Lal Chawla
Working as OS-I, Engineering Branch,
Northern Railway,
DRM Office,
Firozpur.

- Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India, through
The General Manager
Northern Railway,
Baroda House, New Delhi
2. The General Manager
Northern Railway,
Baroda House, New Delhi
3. The Divisional Railway Manager,
Northern Railway, Firozpur Division
Firozpur
4. Shri Jagdish Chander,
Working OSI, c/o DRM, Northern Railway,
Firozpur

- Respondents

(By Advocate: Shri R.L.Dhawan)

O R D E R (ORAL)

By Hon'ble Mr.Shanker Raju, Member (J)

The applicant has impugned the order dated 11.4.2001 passed by the General Manager whereby it has been decided not to revise the seniority as per the decision of the Supreme Court in the case of Ajit Singh vs. State of Punjab. He has also impugned the order dated 21.11.2001 passed by Divisional Personnel Officer, Firozpur whereby selection for the post of Chief Office Superintendent (in short 'COS') has taken place without recasting the seniority of SC/ST candidates. Applicant has prayed that the respondents be directed to recast the seniority as per

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the decision of the Supreme Court in the case of Ajit Singh (supra).

2. We have been informed by the learned counsel appearing on behalf of the applicant as well as respondents that after filing of the present OA, the applicant has been promoted as COS.

3. Shri Dhawan, learned counsel of the respondents has taken a preliminary objection of jurisdiction, stating that the cause of action has arisen at Ferozepur since the order dated 21.11.2001 has been passed by Divisional Personnel Officer, Ferozepur. He submitted that in view of Rule 6 of the C.A.T. (Procedure) Rules, 1987, the jurisdiction in this matter lies at Chandigarh Bench of the Tribunal.

4. We have carefully considered the submissions made by the parties and ^{we} are of the opinion that as the impugned orders have been passed on behalf of the General Manager, this Bench of the Tribunal has jurisdiction to hear this matter. As the applicant herein has already been promoted as COS, the only issue remains to be decided is of recasting the seniority. We have been told that 85th Amendment of the Constitution whereby the seniority of staff belonging to SC/ST has to be determined, has been stayed by the apex court. In this view of the matter, the present OA is disposed of with a direction to the respondents to recast the seniority of the applicant in the

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post of COS as per the decision of the Supreme Court to be arrived at.

S. Raju

(Shanker Raju)
Member (J)

V.K. Majotra

(V.K. Majotra)
Member (A)

/dkm/