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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 648/2001
M.A. NO. 562/2001

New Delhi this the 15th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. Leelam S/O Nathu
2. Om Prakash S/O Kalu Ram

both Helper Safaiwalas under
Carriage & Wagon Superintendent,
Northern Railway, Railway Station,
Delhi.

... Applicants

(By Shri B.S.Maine, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway,
State Entry Road, New Delhi.
3. Carriage & Wagon Superintendent,
Northern Railway,
Railway Station, Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

MA No.562/2001 for joining together in a single application is granted.

Applicants were appointed as Safaiwalas in the years 1971/1973. Their services were, however, illegally and arbitrarily terminated in the year 1977 which order was challenged by them in the Delhi High Court in CW No.1084/1978 which was allowed by an order passed on 13.2.1981 by passing the following order :

"Accordingly, I would allow these four petitions and make an order in the nature of certiorari to quash the notice terminating the services of the petitioner in each case,

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considering that the case law was in a confused state when these petitions were filed, and that the stand taken by the Railways was supported by a division bench judgement of this Court, which was overruled only ~~otherwise~~, I would make no order as to costs."

After the aforesaid order applicants were allowed to join duty in July, 1981 with all consequential benefits as directed.

2. Although applicants are deemed to have been treated in service for the period they were terminated till they were reinstated, respondents have ignored computing the said period for promotion to the post of Fitter Grade-III in order of their seniority. Candidates junior to applicants have been earlier promoted to the post of Fitter Grade-III whereas applicants have been later promoted. Applicants have thus been denied their promotion to Fitter Grade-III in order of their seniority. Applicants by their representations at Annexures A-2 and A-3 have claimed earlier promotion based on their aforesaid seniority. However, no decision thereon has so far been rendered.

3. In the circumstances, we find that the interest of justice ~~of~~ would be met by disposing of the present OA with a direction to respondents to dispose of the aforesaid representations expeditiously and in any event within a period of two months from the date of service of this order. We order accordingly.

(Govindan S. Tampi)
Member (A)

(Ashok Agarwal)
Chairman

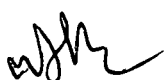
Item No.22


MA No.1429/2001 in OA No.648/2001

12.07.2001

Present: Shri R. P. Agarwal, counsel for the respondents

MA filed by the respondents is allowed. Extension of time is granted to implement the order of 15.3.2001 in OA No.648/2001 upto 14.8.2001, as prayed for. No order as to costs.


(M. P. Singh)
Member (A)


(Ashok Agarwal)
Chairman