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Central Administrative Tribunal
Principal Bench

CP No.581 of 2001

in

O.A. No. 1041 of 1999.

New Delhi, dated this the 6 February, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Narender Kumar,
S/o Shri Birhama Saroop,
Salesman, Northern Railway,
Consumer Cooperative Store,
Zonal Training School,
Chandausi (UP).
(By Advocate: Shri G.D.Bhandari

..Applicant

Versus

1. Shri S.Dashrathi,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Shri SM.Bhardwaj,
Divisional Railway Manager,
Northern Railway,
Moradabad.

..Respondents.

(By Advocate: Shri VSR Krishna).

ORDER

S.R. ADIGE, VC (A)

Heard both sides on CP No.581/2001 alleging contumacious non-compliance of the Tribunal's order dated 15.2.2001 in OA NO.1041/99.

2. A perusal of the Tribunal's aforesaid order dated 15.2.2001 makes it abundantly clear that it was disposed of on the lines of the CAT Allahabad Bench order dated 13.10.95 in OA No.579/88 K.P.Singh & Ors. Vs. UOI & G.M.Northern Railway & Ors.

3. We note that in terms of the CAT Allahabad Bench order dated 13.10.95 (supra) the names of Shri K.P. Singh & Ors. have been placed at Sl.Nos.56 to 60 of the priority list (Annexure R-IV), below whom

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applicant's name has been entered. While doing so, respondents have kept the contents of Railway Board's Circular dated 26.8.77 (Annexure.R-III Colly) in view.

4. If applicant is aggrieved with the position given to him by respondents in the priority list/LCL Register for reengagement/regularisation; it is open to him to challenge the same separately through appropriate original proceedings in accordance with law, if so advised. A CP is not the appropriate instrument for the purpose. In this connection Hon'ble Supreme Court's ruling in J.S.Parihar Vs. G.Duggar & Ors. JI 1996(9) SC 608 is extremely relevant.

5. Giving leave to applicant as aforesaid the CP is dropped. Notices discharged.

S. Raju
(Shanker Raju)
Member (J)
/ug/

Adige,
(S.R. Adige)
Vice Chairman (A)