CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 1591/98
MA No. 1666/98

New Delhi, this the 3rd day of December,1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P.BISWAS, MEMBER (A)

In the matter of:

1. Bhanu Dutt Sharma
    Age 44 years
    S/o Late Shri Gauri Shanker,
    Office Superintendent Gr.I,
    Statistical Branch,
    Northern Railway Headquarters,
    New Delhi.

    R/o RZ/23-E, Indira Park,
    Palam Colony,
    New Delhi-110045.

2. R.K.Chaudhary
    Age 56 years
    S/o Shri M.K.Chaudhary
    Office Superintendent Gr.I,
    Statistical Branch,
    Northern Railway Headquarters,
    New Delhi.

    R/o 4/6, Old Rajinder Nagar,
    New Delhi.

3. A.K.Roy
    Age 52 years
    S/o late Shri N.S.Roy
    Office Superintendent Gr.I,
    Northern Railway Headquarters,
    Thompson Road,
    New Delhi.   .... Applicants
(By Advocate: Sh. K.N.R.Pillai)

Vs.

The General Manager
Northern Railway,
Baroda House,
New Delhi.   .... Respondent
(By Advocate: Sh. B.S.Jain)

O R D E R (ORAL)

delivered by Hon'ble Shri T.N.Bhat, Member (J)

        Heard counsel for both the parties. With their

consent the OA is being disposed of finally at the

admission stage itself.

2.   Applicants who belongs to the General category are aggrieved by their exclusion from the list of employees who have been called for selection for the post of Asistant Statistical Officer in the grade of Rs.7500-12000. The precise grievance of the applicants is that the list has been prepared on the basis of the old seniority list which has not been corrected/revised in accordance with the Supreme Court judgments in R.K.Sabharwal, Veer Pal Singh Chauhan and other cases. The learned counsel for the respondents states that this OA is not maintainable for the reason that the applicants have not exhausted the departmental remedies available to them.
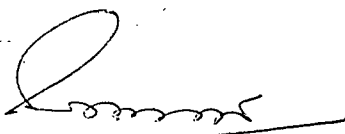
3.   It appears that after the issuance of the impugned order dated 23.6.98 calling the candidates to appear in the selection to the post of ASO the applicants had made a representation on 31.7.98, a copy of which is annexed as A-III to the OA. Without, however, waiting for the reply the applicants filed this OA.
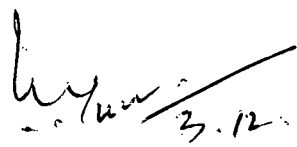
4.   The learned counsel for the applicant has urged before us that had the seniority list been appropriately revised in accordance with the judgments of the Apex Court (supra) the applicants would have come within the zone of consideration for being called for the selection. The learned counsel for the respondents in reply states that this is only a hypothetical proposition and it is not known whether the applicants would at all come within the zone of consideration.

5. Having considered the rival contentions made by the learned counsel for the parties we dispose of this OA with the direction to the respondents to consider the representation of the applicants dated 31.7.98 and take a decision thereon expeditiously. The respondents may also consider expeditiously implementing the judgments of the Hon'ble Apex Court relating to recasting of seniority etc. and if in the process some more persons come within the zone of consideration they may also be called for selection. In this regard, we may state that according to the letter dated 19.11.98 issued by the General Manager, Northern Railways 2 persons have already been placed on the panel of Assistant Statistical Officers in pursuance to the result of the written test held on 26.8.98 and the viva voce held on 18.11.98. But the panel has been specifically described to be only provisional. We consider it to be quite fair and reasonable on the part of the respondents to constitute only a provisional panel. It shall be open to the respondents to prepare the panel after going through the process suggested by us hereinabove. The matter shall be finally decided as far as practicable within a period of 4 months from the date of receipt of the copy of this order.

6. The OA is disposed of in terms of the above order, leaving the parties to bear their own costs.

(S.P. BISWAS)   (T.N. BHAT)
Member (A)   Member (J)

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