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Central Administrative Tribunal
Principal Bench

O.A.No.418/98

with

O.A.No.417/98

Hon'ble Mr. Justice K.M.Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 14th day of October, 1998

O.A.No.418/98:

1. All India Equality Forum, through its General Secretary - Jagdish Rai Aggarwal s/o Shri Atma Ram Ji Agrawal having registered office at IV/N-20 Double Story, Lajpat Nagar New Delhi.
2. Muni Prakash Gaur s/o Shri Shreeram Ji Sharma 51 years, at present working as Office Superintendent Gr.II in the Engineering Branch of DRM's Office Northern Railway Bikaner.
3. Nicklow D'souza s/o Late Shri L.C.D'souza aged 44 years at present working as Head Clerk in the Personal Branch DRM's Office Northern Railway Bikaner.

... Applicants

(By Shri U.Srivastava, Advocate)

Vs.

1. The Union of India through its Chairman Railway Board Rail Bhawan New Delhi.
2. The Executive Director (Reservation Cell) Railway Board Rail Bhawan New Delhi.
3. The General Manager Northern Railway Headquarter's Office Baroda House New Delhi.
4. The General Manager Southern Railway Park Town Chennai - 600 003.

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5. The General Manager
Western Railway
Church Gate
Mumbai - 400 020.
6. The General Manager
Central Railway
Chhatrapati Shivaji
Terminus
Mumbai - 400 020.
7. The General Manager
South Central Railway
Rail Nilayam
Sikandrabad - 500 071.
8. The General Manager
South - East Railway
11-Garden Reach
Calcutta - 43.
9. The General Manager
North-Eastern Railway
Gorakhpur - 273 012.
10. The General Manager
Eastern Railway
Farey Palace
17, Neta Ji Subhash Road
Calcutta - 1.
11. The General Manager
North Frontier Railway
Mali Gaon
Guwahati - 781 011.
12. The Chief Administrative Officer
Diesel Component Works
Patiala.

Respondents

(By Shri R.P. Aggarwal, Advocate)

with

O.A.No.417/98:

1. All India Equality Forum, through
its General Secretary - Jagdish Rai Aggarwal
s/o Shri Atma Ram Ji Agrawal
having registered office at IV/N-20
Double Story, Lajpat Nagar
New Delhi.
2. Ram Awtar
s/o Shri Sagar Mal Ji
57 years, at present working as
Office Superintendent Gr.II in
Operating Branch of the DRM's Office
Northern Railway
Bikaner.
3. Rajendra Kumar Bhatnagar
s/o Shri Durga Prasad Ji,
aged 42 years
at present working as Superintendent
in Mechanical Branch

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of the DRM's Office
Northern Railway
Bikaner.

... Applicants

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(By Shri U.Srivastava, Advocate)

Vs.

1. The Union of India through its Chairman
Railway Board
Rail Bhawan
New Delhi.
2. The Executive Director (Reservation Cell)
Railway Board
Rail Bhawan
New Delhi.
3. The Secretary (Establishment)
Railway Board
Rail Bhawan
New Delhi.
4. The General Manager
Northern Railway
Headquarter's Office
Baroda House
New Delhi.
5. The General Manager
Southern Railway
Park Town
Chennai - 600 003.
6. The General Manager
Western Railway
Church Gate
Mumbai - 400 020.
7. The General Manager
Central Railway
Chhatrapati Shivaji
Terminus
Mumbai - 400 020.
8. The General Manager
South Central Railway
Rail Nilayam
Sikandrabad - 500 071.
9. The General Manager
South - East Railway
11-Garden Reach
Calcutta - 43.
10. The General Manager
North-Eastern Railway
Gorakhpur - 273 012.
11. The General Manager
Eastern Railway
Farely Palace
17, Netaji Subhash Road
Calcutta - 1.

Yours

12. The General Manager
North Frontier Railway
Mali Gaon
Guwahati - 781 011.

13. The Chief Administrative Officer
Diesel Component Works
Patiala.

14. The Divisional Railway Manager
Northern Railway, Bikaner (Raj)

15. The Divisional Railway Manager
Northern Railway
Muradabad (U.P.)

... Respondents

(By Shri R.P. Aggarwal, Advocate)

ORDER (Oral)

Hon'ble Mr. Justice K.M. Agarwal, Chairman

Pursuant to notice before admission, counter has been filed in both these cases and a preliminary objection also raised about the maintainability of these petitions.

2. All India Equality Forum and two others have filed these petitions. In OA No. 418/98 there are as many as 12 respondents whereas in the other OA No. 417/98 there are as many as 15 respondents. The grievance of the applicants in both these petitions appeared to be that the respondents are not properly interpreting the decisions of the Supreme Court in the case of Union of India & Others Vs. Virpal Singh Chauhan, JT 1995(7) SC 231 and R.K. Sabharwal & Others Vs. State of Punjab & Others, 1995(2) SCC 745 and they are not applying the principles or decisions of the Supreme Court uniformly. No instances have been given as to how and in what cases the respondents have violated the principles laid down by the Supreme Court in the said cases while implementing

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those decisions. Under these circumstances, we are of the view that the present petitions as filed are not maintainable.

3. The learned counsel for the applicants then wanted time to amend these petitions by joining such persons who are made to suffer by denial of the benefits of the aforesaid decisions of the Supreme Court, or in the alternative to show that the second and third applicants in these petitions had to face similar injustices due to wrong implementation of the aforesaid decisions of the Supreme Court by the respondents. However, we do not think it just and proper to grant time for such purpose. The Supreme Court in Dr. Duryodhan Sahu and Others., Vs. Jitendra Kumar Mishra and Ors. JT 1998(5) SC 645 has said that a person aggrieved must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something. Under these circumstances, such a person who is aggrieved by any illegal order may file a petition to have his grievance settled. If the prayer made for and on behalf of the applicants is accepted, it is likely to result in making the record unnecessarily burdensome particularly when the present record itself appears to be bulky.

4. The learned counsel for the applicants submitted that Railway Board has issued the impugned circular pursuant to aforesaid decisions of the Supreme Court and therefore a cause of action has arisen for all employees of the railways affected by the circular. However unless the circular is shown to have been implemented and such

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enforcement is further shown to have resulted in any prejudice or wrongful deprivation of something, no action can be drawn by any Association or individual in anticipation of such a wrong.

5. For the foregoing reasons, we are of the view that no cause of action is disclosed in the present OAs, and therefore they are hereby dismissed but without any order as to costs. However, this order will not preclude any other aggrieved person or even the second and third applicants in these petitioners to agitate their grievance by filing separate petitions. Subject to observations aforesaid, both these OAs are hereby summarily dismissed.

(K.M.Agarwal)
Chairman

True copy (R.K.Ahooja)
Member(A)

/rao/

PRITAM SINGH
Court Officer
Central Administrative Tribunal
Principal Bench
Faridkot House, New Delhi

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