

Central Administrative Tribunal  
Principal Bench

- 6 -

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 Chivaji  
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  
Farely 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

(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.
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Gorakhpur - 273 012.
11. The General Manager  
Eastern Railway  
Farely Palace  
17, Neta Ji Subhash Road  
Calcutta - 1.

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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.

*JK*  
(K.M.Agarwal)  
Chairman

*R.K.Ahooja*  
(R.K.Ahooja)  
Member(A)

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