

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No.1542/1995

New Delhi, this the 3rd day of December, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri M.P. Singh, Member (A)

(21)

1. Hansraj Wadhwa,
Asstt. Station Master, Northern
Railway, Patel Nagar,
Delhi.
2. V.K. Tripathi,
Reserve Asstt. Station Master, Northern
Railway, Delhi Quienz Road,
New Delhi.
3. S.P. Verma,
Asstt. Station Master, Northern Railway,
Bikaner Division,
Railway Station Rewari, Haryana.
4. L.N. Yadav, Asstt. Station Master,
Northern Railway,
Bikaner Division, Railway Station Kosli.

... Applicants

(By Shri R.N. Singh, Advocate)

Versus

1. Union of India
Through:
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Bikaner Division,
DRM Office, Bikaner, Rajasthan.
3. The Divisional Personnel Officer,
Bikaner Division, Northern Railway,
DRM Office, Bikaner, Rajasthan.
4. Sharad Kumar Gupta,
Vigilence Inspector, Railway Board,
Rail Bhawan, New Delhi.

... Respondents

(By Shri R.L. Dhawan, Advocate)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J):

This application has been filed by four applicants seeking certain directons as given in paragraph 8 of the OA, including promotion/upgradation of their posts to ~~the~~ Deputy Station Superintendent (DSS) from the post of Assistant Station Master (ASM). This application was earlier dismissed

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vide Tribunal's (Principal Bench) order dated 1.9.1999. Thereafter, the applicants filed a Review Application being RA No.235/1999 which was allowed, on the ground that there is an error apparent on the face of the record and earlier order was recalled and the OA was posted for fresh consideration/hearing. That is how the OA has been listed again for hearing.

2. We have heard Shri R.N. Singh, learned counsel for the applicants and Shri R.L. Dhawan, learned counsel for the respondents.

3. Learned counsel for the respondents has relied on the facts mentioned in the additional reply filed on 23.8.2001. He has also relied on the judgements of the Tribunal filed by applicant No.4 against the respondents in OA 3362/1992 and OA 1082/1995, which were dismissed by the Tribunal vide its orders dated 27.5.1998 in which one of us (Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J) was also a ~~Member~~¹⁸ Member) (Copy placed on record)

4. Applicant No.4, Shri L.N. Yadav, had filed RA No.235/1999 seeking review of the order which ~~was~~ vide order dated 18.7.2001^{was 18.7.2001}, recalling the order dated 1.9.1999 for fresh consideration/hearing. Learned counsel for the applicants, on the other hand, has submitted that the respondents have not revised the seniority list affecting the position of applicant No.4. He has, however, not made any submissions with regard to the position of the other three applicants in the revised seniority list. We note that Applicants No.1 and 2 are ASMs and Reserve ASM, respectively, in

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Delhi whereas Applicant No.3 is ASM in the Bikaner Division and posted at Rewari, Haryana. Applicant No.4 is ASM in the Bikaner Division and posted at Kosli, Haryana. During the hearing, we also note that MA No.2075/1995 has been filed by the applicants stating, inter alia, that it would be economical and convenient for the applicants in seeking redressal of their grievances by filing a joint application. Shri R.L. Dhawan, learned counsel for the respondents, has submitted that since the applicants are posted at different places and no P.T. has also been allowed, this applicant should not be allowed also. He has also submitted that in the absence of P.T., the Principal Bench does not have jurisdiction with regard to applicants No.3 and 4 who have stood outside the territorial jurisdiction of the Principal Bench. He has, however, made certain submissions on merits. Learned counsel for the respondents has submitted that applicants No.1 and 3 have been considered in the selection held in 1995 and were not found suitable. With regard to applicants No.2 and 4, he has submitted that they were not eligible for promotion, for example, applicant No.4 was promoted as ASM on 11.3.1997 as per the findings of the Tribunal's order dated 27.5.1998 in OA 3362/1992 and OA No.1080/1995. These factual positions have been disputed by the learned counsel for the applicants, who, after making other detail submissions, prays for permission to withdraw the OA with liberty to file separate applications in accordance with law.


5. In view of the above facts and particularly having regard to the order passed in RA 235/99 dated 18.7.2001 restoring the OA to file for fresh consideration and the

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further submissions made by the learned counsel for the applicants that he may be allowed to withdraw the OA, that permission is granted. It is relevant to note that the four applicants are not similarly situated and hence MA 2075/1995 cannot also be allowed. Therefore, in the interest of justice permission to withdraw the OA is allowed leaving it open to the applicants to pursue their remedies, if they have any grievance, if so advised, in accordance with law.

6. The OA is dismissed as withdrawn. No costs.


(M.P. Singh)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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