

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A./T.A. No. 1834 of 1995 &/19 Decided on: 4.2.97
-208-of-1995

Shri Kanwalpal & Ors.
& Other connected case

..... APPLICANT(S)
B.S. Mainee
(By Shri B.S. Mainee Advocate)

VERSUS

U.O.I. & Ors.

..... RESPONDENTS

(By Shri B.S. Jain
G.D. Bhandari Advocate)

RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE SHRI/ SMT./ DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ? No

Adige
(S.R. ADIGE)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

New Delhi, dated this the 4 - ^{February} ~~January~~, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

O.A. No. 1834 of 1995

1. Shri Kanwalpal,
S/o Shri Narendra Singh,
271-A, Beda Shopia Road,
Railway Colony,
Shaharanpur, U.P.
2. Shri Suresh Chand,
S/o Shri Nanak Chand,
160-P, Railway Colony,
Khalasi Line, Shaharanpur, U.P.
3. Shri Phurakan Ahmad,
S/o Shri Agha Khan,
Vill. & P.O. Malhmpur,
Dist. S.R.E. (U.P.)
4. Shri Krishan Prasad,
S/o Shri Nageshwar Prasad,
B-159 A, Railway Colony,
Khatari Lane,
Shaharanpur, U.P.
5. Shri Salik Ram,
S/o Shri Bindhyadeen,
100-Q, Railway Colony, Khalasi Lane,
Sharanpur, U.P. APPLICANTS

(By Advocate: Shri B.S. Mainee)

VERSUS

1. The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Ambala Cantt.
3. Shri Mahipal,
S/o Shri Atma Ram
4. Shri Jai Chand,
S/o Shri Rupa Singh
5. Shri Surender Pal,
S/o Shri Balwant Singh,
6. Shri Gopal Das,
S/o Shri Gauri Shankar
7. Shri Gian Singh,
S/o Shri Umrao Singh
8. Shri Kamal Kishore,
S/o Shri Timan Lal
9. Shri Radhey Shyam
S/o Shri K.L. Meena

10. Shri Vinod Kumar,
S/o Shri Bishan Das

11. Shri Bhawan Singh Meena,
S/o Shri Prahlad Singh

12. Shri Madan Lal,
S/o Shri Siaram

13. Shri Hari Singh,
S/o Shri Jagureya RESPONDENTS

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(By Advocate: Shri B.S.Jain for R-1 & 2
Shri G.D.Bhandari for R-3 to 13

O.A. No. 208 of 1995

1. Shri Gopal Dass,
S/o Shri Gauri Shankar,
161/R, Railway Colony,
Shaharanpur, U.P.

2. Shri Hari Singh,
S/o Shri Jhinguria
Shaharanpur

3. Shri Vinod Kumar,
S/o Shri Bishan Dass,
Shaharanpur.

4. Shri Mahipal Singh,
S/o Shri Atma Ram,
Shaharanpur.

5. Shri Bhanwar Singh,
S/o Shri Prahala Singh,
Shaharanpur.

6. Shri Madan Pal,
S/o Shri Siya Ram.

7. Shri Radheshyam,
S/o Shri Kanhaya Lal

8. Shri Jay Chand,
S/o Shri Rudha Singh

9. Shri Gyan Singh,
S/o Shri Umray Singh

10. Shri Surendra Pal,
S/o Shri Balwant Singh

11. Shri Kamal Kishore,
S/o Shri Timman Lal,
Fireman 'C',
Loco Shed, Northern Railway,
Shaharanpur. ... APPLICANTS

(By Advocate: Shri G.D.Bhandari)

VERSUS

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1. UOI through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Chief Operating Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl. Ry. Manager,
Northern Railway,
Ambala Cantt.
4. Shri Suresh Chand,
S/o Shri Nanak Chand.
5. Shri Kanwar Pal,
S/o Shri Narendra Singh.
6. Shri Phurkhan Ahmed,
S/o Shri Agha Khan.
7. Shri Kishan Prasad,
S/o Shri Nageshwar Prasad,
8. Shri Salik Ram,
S/o Shri Vidhya Deen.

(By Advocate: Shri B.S.Jain for R-1 to 3
Shri B.S.Mainee for R-4 to 8).

ORDER

BY HON'BLE MR. S. R. ADIGE, MEMBER(A).

As both these OAs involve common question of law and fact they are being disposed of by this common order.

2. In O.A.No.1834/95 applicants who were Khalasis in Carriage and Wagon Department, Northern Railway, Saharanpur and upon their own request had their category changed to Loco Cleaner with consequent loss of seniority as Khalasis, are aggrieved by the DPO Northern Railway Ambala Cantt's order dated 28.6.93 by which category of Respondents 3 to 13 who were Fitter Khalasis/BN Khalasis etc. was changed to Loco Cleaner without loss of previous seniority and

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have thus been placed senior to the applicants vide seniority list/ notices dated 3.1.94; 5.1.94 and 8.3.94 which have been impugned.

3. In O.A.No.208/95 the applicants (who were respondents No.3 to 13 in OA No.1834/95) seek a direction that consequent to their change of category to loco cleaners, with benefit of past seniority, the seniority list of 3.1.94 be followed with consequential benefits flowing therefrom.

4. During the course of hearing, Shri G.D. Bhandari raised various preliminary objections in regard to jurisdiction, maintainability, etc. with respect to OA No.1834/95 which were resisted by Shri Maines.

5. In reply to both OAs official respondents state that the change of category to that of Loco Cleaners with benefit of past seniority allowed to Respondents 3 to 13 in OA No.1834/95 (applicants in OA No.208/95) is the subject matter of an investigation by G.M (Vigilance) Northern Railway, Admittedly the investigation has barely progressed till date.

6. As both OAs stem from the change of category to Loco Cleaners allowed to respondents 3 to 13 in OA No.1834/95 (applicants in OA No.208/95) with benefit of past seniority and as this very issue is under investigation by vigilance authorities, we do not consider it fit and proper to adjudicate in the matter at this stage.

7. Accordingly we dispose of both the OAs with a direction to the respondents to conclude the investigations as expeditiously as possible and

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preferably within a period of three months from the date of receipt of a copy of this order and thereafter pass a detailed, speaking and reasoned order in accordance with law under intimation to the applicants in both the OAs. Before passing such an order the respondents shall give the applicants in both the OAs a reasonable opportunity of being heard.

8. If thereafter any grievance still survives it will be open to the aggrieved parties to agitate the same through appropriate original proceedings in accordance with law, if so advised.

9. These two OAs stand disposed of in terms of paragraphs 7 and 8 above. No costs.

10. Let a copy of this order be kept on the file of OA No. 208/95 also.

A. Adiga
(DR.A. VEDAVALLI)
MEMBER(C).

A. Adiga
(S.R. ADIGE)
MEMBER(A).

/ug/