

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2106/97

New Delhi, this the 1st day of June, 2000.

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MR. H.O. GUPTA, MEMBER (A)

1. Sh. Arjan Singh, Chief Goods Supervisor, Northern Railway, Amritsar.
2. Sh. Ashok Kumar, Chief Booking Supervisor, Northern Railway, Ludhiana.
3. Sh. Sunil Kumar Saxena, Chief Parcel Supervisor, Northern Railway, Amritsar.
4. Sh. Bal Kishan Gupta, Chief Goods Supervisor, Northern Railway, Jallundhar City.
5. Sh. Anil Kalia, Chief Parcel Supervisor, Jallundhar City.

.....Applicants.

(By Advocate: Sh. B.S. Mainee)

VERSUS

Union of India : Through

1. The Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Ferozpur.

...Respondents.

(By Advocate: Sh. R.L. Dhawn)

O R D E R

Hon'ble Mr. H.O. Gupta, M (A):

The applicants are aggrieved of the orders of the respondents dated 7.7.97 & 13.8.97 (Annexure A-1) wherein the request for assigning them seniority from the date of employment i.e. 5.4.83 as has been done in the case of S/Sh. L.B. Chauhan and others and R.K. Srivastava and others in terms of judgement of Allahabad Bench of this Tribunal in OA Nos. 1231 & 1376 both of 1988, decided on

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25.11.92 (Annexure A-7) against which SLP (Annexure A-7) was filed by the respondents, which was dismissed by Hon'ble Apex Court on 2.3.94. In relief, they are praying for quashing the above mentioned impugned orders and also for directions to the respondents for assigning them seniority adopting the same yardstick which has been adopted in respect of their counter parts in the Allahabad Division. They have also prayed for directions to the respondents to assign their seniority as per Rule 306 of the Indian Railway Establishment Manual (IREM) Vol.I because the applicants have been appointed against the vacancy which had arisen earlier to the date when the upgraded posts were filled up. They have further sought directions for fixing higher salary from the date the applicants were due for promotion in accordance with the vacancies against which they had been selected and appointed with consequential benefits alongwith the costs of the application, on various grounds stated in the application.

2.0 In reply, the respondents while denying various contentions of the applicant, have taken the plea of limitation.

3.0 Heard the learned counsel of parties and perused the record.

3.1 With regard to the limitation, it is seen that the judgement of the Allahabad Bench of this Tribunal in OA 1232 & 1376 both of 1988 was delivered on 25.11.92. Thereafter, the respondents filed SLP 5434-35 of 1994

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before the Hon'ble Supreme Court, which was dismissed on 2.3.94. The applicants represented to the respondents on 20.9.94 requesting for refixation of seniority in accordance with the judgement of the Allahabad Bench of this Tribunal. Thereafter, one Hon'ble M.P. vide his OO letter dated 26.12.95 (Annexure A-10) to the Chairman, Railway Board, sought justice from the Chairaman, Railway Board in respect of applicant No.1 and others, enclosing a copy of the General Manager's letter dated 3.7.95 (Annexure A-11) which was addressed to the Railway Board wherein the General Manager sought for review of the tenability of C.S. No.153-IREM (2nd edition). Thereafter, the applicant No.1, vide letter dated 13.8.97 (Annexure A-1), was informed by the General Manager (P), Northern Railway that the case was examined by Railway Board and has been regretted. A copy of the OO letter dated 7.7.97 from Member (Staff) Railway Board to the Hon'ble M.P. was also enclosed.

In view of the above facts and circumstances, we do not think that the case is barred by limitation.

3.2 We also find that the facts and circumstances of this case are similar to those in OAs 1232 & 1376 both of 1988, which was decided by the Allahabad Bench of this Tribunal. Accordingly, there is no reason to deny the applicants the same benefits as was accorded to the applicants in those OAs.

4.0 Accordingly, this application is allowed with the directions to the respondents to accord the applicants

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the benefit of seniority as per the judgement of the Allahabad Bench of this Tribunal in OAs 1232 of 1376 of 1988, within a period of three months from the date of receipt of a copy of this order. However, in the facts and circumstances of the case, the applicants shall not be entitled for other reliefs as prayed.

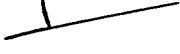
5.0 No order as to costs.


(H.O. Gupta)

Member (A)


(Smt. Lakshmi Swaminathan)

Member (J)


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