

Central Administrative Tribunal
Principal Bench

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O.A. No. 2822 of 1997

New Delhi, dated this the 14th October, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

S/Shri

1. Kesav Prasad,
S/o Shri Sukhu Ram,
R/o Qr. No. 280C, Guards Colony,
Railway Colony,
Ghaziabad, U.P.
2. Banwari Singh,
S/o Shri B.S. Meena,
R/o Qr. No. 265A, Sec. 9, New Vijay Nagar,
Ghaziabad, U.P.
3. Mahender Singh,
S/o Shri Singarto Singh,
R/o Qr. No. E-58A, Punjabi Line,
Railway Colony,
Ghaziabad, U.P. Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
New Delhi.
3. The Divl. Personnel Officer,
Northern Railway,
O/o DRM, New Delhi. Respondents

(None appeared)

ORDER (Oral)

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

Applicants impugn respondents' order dated
3.3.97 and seek a direction to respondents to
transfer them to EMU Car Shed, Ghaziabad.

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2. I have heard Shri Yogesh Sharma for applicant. None appeared for respondents even on the second call and no reply^{has been} filed by them either.

3. By Order dated 25.9.98, on which date also none appeared for respondents even on the second call, it had been clearly ordered that respondents' right to file reply stood forfeited, and it had^{been} further ordered that if they failed to appear on the next date, the case would be heard in their absence.

4. Applicants initially filed O.A. No.1728/96, aggrieved by respondents' inaction in disposing of their representations for being considered for transfer to EMU Car Shed, Ghaziabad. That O.A. was disposed on 11.11.96. On that date also none appeared on behalf of respondents even on the second call.

5. By order dated 11.11.96 respondents were directed to consider the representations made by applicants for their transfer to EMU Car Shed, Ghaziabad.

6. Pursuant to that direction respondents have issued the impugned order dated 3.3.97, stating that there are no vacancies at present in EMU Car Shed and that applicants' case will be considered on priority and on merit basis, as and when vacancies are made available there.

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7. In this connection Shri Sharma has invited my attention to respondents' order dated 16.7.98, a copy of ~~of the case~~ ^{which is} ~~of the case~~ ^{interalia of the} has been taken on record informing ^{the} creation of 10 additional posts of Khalasis in the EMU Car Shed, Ghaziabad. Shri Sharma further states that pursuant to the creation of these additional posts, applicants have represented to the authorities for adjustment against those vacancies, vide representation dated 18.9.98, but the same has not yet been considered by the respondents.

8. This O.A. is disposed of with a direction to respondents to consider applicants' claims for adjustment against the vacancies in the EMU Car Shed, Ghaziabad said to have been arisen vide order dated 16.7.98 in accordance with rules and instructions as well as the facts and circumstances of this case noticed above, and pass a detailed, speaking and reasoned order thereon within two months from the date of receipt of a copy of this order.

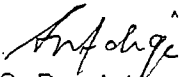
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9. While considering the claims of the applicants respondents will proceed in accordance with their eligibility and seniority, because they contend that while their juniors have been transferred to EMU Car Shed, Ghaziabad, their claims have been ignored.

10. This O.A. stands disposed of accordingly.
No costs.

11. Later, after the above orders were dictated, respondents' counsel Mrs. Sunita Rao appeared.


(S.R. Adige)
Vice Chairman (A)

/GK/