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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 692 of 1997

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New Delhi, dated this the 3rd June 1997

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

1. Shri V.K.Khanna,
S/o Shri M.L. Khanna,
J.E.- I (Signal)
Under Sr. Sec. Engineer (Signal),
Northern Rly.,
Delhi Main.
 2. Shri B.K. Dube,
S/o Shri P.N.Dube
 3. Shri S.P. Gandhi,
S/o Shri R.B.Gandhi
 4. Shri Mustan Ahmed,
S/o late Shri Shanauddin
 5. Shri R.K. Bansal,
S/o Shri A.N. Bansal
 6. Shri S.K.Sharma,
S/o Shri R.N.Sharma
- ... APPLICANTS

By Advocate: Shri B.S.Mainee

VERSUS

1. Union of India through
the Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.
 2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
 3. The Divl. Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
 4. The Divl. Railway Manager,
Northern Railway,
Allahabad.
 5. The D.R.M.,
Northern Railway, Lucknow.
 6. D.R.M.,
Northern Railway,
Moradabad.
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7. The D.R.M.,
Northern Railway,
Ferozepur Cantt.

8. The D.R.M.,
Northern Railway,
Bikaner.

9. Shri S.C.Mehta,
R/o 6 F/6, Basant Lane,
Railway Flats,
New Delhi.

... RESPONDENTS

By Advocates: Shri R.L.Dhawan for R-1 to 8
Shri D.R.Roy for R-9

J U D G M E N T

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

Applicants who are six in number impugn the provisional seniority list dated 28.2.97 (Ann. A-1); the letter dated 19.12.96 (Ann. A-2) and the letter dated 10.3.97 (Ann. A-3) regarding filling up various posts of Sectional Engineer (Signals).

2. Applicants who belong to Delhi Div. of Northern Railway were appointed as signal Inspectors Gr. III. The next higher post is Signal Inspector Gr. II. Applicants contend that as per Railway Board's circular dated 27.4.85 passing of promotional courses is a prerequisite for promotion from S.I. Gr.III to S.I. Gr. II, but as D.R.M. Delhi did not initially depute them for the course they were not promoted. They further contend that in other divisions of Northern Railway this prerequisite was not insisted upon and S.I. Gr.III were promoted to S.I. Gr. II

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without their clearing the promotional courses. When this was pointed out to those divisions they fulfilled that formality by putting those promoted through a 15 days training course and meanwhile in those divisions the S.I. Gr.III have been regularised as S.I. Gr.II from the date from which vacancies arose. Applicants state that subsequently they were sent for the promotional course in 1992/93 which they completed successfully, but meanwhile the S.I. Gr.II who have been regularised in other divisions were allowed to steal a march over them, with the result that applicants' seniority has been wrongly depressed in the combined seniority list for the post of Sec. Engineer (Signals) for which selections were to be held vide impugned letter dated 10.3.97.

3. Official Respondents in their reply state that promotion to level of S.I. Gr.II is done on the basis of Division Seniority and as such comparison with S.I. II in other Division is irrelevant, each Division having its own seniority group.

4. Private Respondent No.9 has also filed his reply.

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5. We have heard applicants' counsel Shri Mainee and official respondents counsel Shri Dhawan, as well as private respondents' counsel Shri D.R.Roy. All sides agreed during hearing that the O.A. may be finally disposed of.

6. Both Shri Dhawan and Shri Roy have pointed out that this O.A. is premature, because the impugned seniority list dated 28.2.97 is only a provisional one. Objections have been invited to the same, and applicants have filed their objections, which are in the process of being disposed of.

7. Shri Dhawan states that meanwhile although the selections have been held, the declaration of the results have been stayed by interim order dated 26.3.97, which have been extended from time to time. He has urged that the posts in question being safety posts, it is necessary in the public interest that the interim orders be vacated immediately and results declared, so that the posts can be properly manned. He states that the rules themselves provide that if the applicants' representations succeed their seniority will be restored and they have therefore no cause for apprehension. On the other hand Shri Mainee has contended that respondents are going ahead and making selections on the basis of a seniority list which itself is only provisional, and this will only lead to prolonged and unnecessary litigation. This he contends

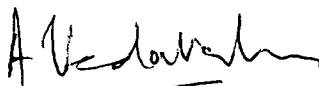
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should not be permitted and the seniority issue should first be decided.

8. We have considered the matter carefully. While there is no doubt that a situation leading to litigation should be avoided, respondents have emphasised that the safety posts required to be filled up on regular basis immediately in the public interest, and we also are of the view that nobody's cause will be served if the declaration of results is held up for long. The six applicants in this O.A. can at best have a claim for promotion to one post each of Sectional Engineer (Signals) i.e. six posts of SE(Sig.) in all.

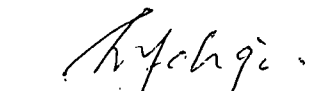
9. Under the circumstances we dispose of this O.A. with a direction to respondents to dispose of applicants' representations against the provisional seniority^{list} in accordance with existing rules/instructions as expeditiously as possible. We also vacate the interim order leaving it open to respondents to declare the results, subject to the condition that regularisation against six posts of Sec. Engineer (Sig.) proposed to be filled up as a result of the impugned selections, shall be provisional till the disposal by respondents of the six applicants' representations.

9. This O.A. is disposed of in terms of Para 9 above. No costs.



(DR. A. VEDAVALLI)
Member (J)

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(S.R. ADIGE)
Member (A)